

**COMMON COUNCIL  
NORWALK, CONNECTICUT**

**MARCH 10, 2009  
SPECIAL MEETING**

**The Common Council of the City of Norwalk will hold a Special Meeting in the Council Chambers (3<sup>rd</sup> Floor) in Norwalk City Hall on Tuesday, March 10, 2009 at 7:00 p.m. (E.D.T.)**

**CALL TO ORDER**

Mayor Richard Moccia called the meeting to order at 7:08 p.m.

**ROLL CALL**

Ms. Roman called the Roll:

Michael Geake	Laurel Lindstrom
Richard McQuaid	Douglas Hempstead
Anna Duleep	Kelly Straniti
Richard Bonenfant	Andrew Conroy
Steven Serasis	William Krummel
Rev. Phyllis Bolden	Amanda Brown (7:12 p.m.)
Carvin Hilliard	Fred Bondi (7:15 p.m.)
Nicholas Kydes	

At Roll Call there were thirteen (13) Councilmembers present and two (2) absent (Ms. Brown and Mr. Bondi)

Mayor Moccia explained that this public hearing would be conducted in the same manner as the public participation portion of the regular agenda. He said that the same rules will apply. If anyone has further questions they can submit them in writing to him or the Corporation Counsel.

- 1. Public hearing on the bond resolution related to the financing of the Waypointe project entitled “Resolution Of The City OF Norwalk Making Appropriations For The Acquisition Of Certain Public Improvements Related To The West Avenue Corridor (Waypointe) Project And Authorizing The Issuance Of General Obligation Bonds Or Revenue Bond Of The City To Meet Said Appropriations”**

Mr. Fred Wilms, Aiken Street, representing the Board of Estimate and Taxation. He said that at their meeting last week, they voted unanimously to support the bond resolution. He said that he voted in favor of it because of the benefits to the blighted neighborhood.

Ms. Brown joined the meeting at 7:12 p.m.

Mr. Wilms said that this project needs government support, which is not unique. The use of the bond proceeds has a valid purpose and this is not the first time that the City has built a parking garage; however, the difference with this project is that it will be built by Mr. Seligson. There is no vacancy risk. Mr. Wilms said that he likes the flexibility of the financing. He looked at the stress test developed by the Finance Director and it shows that the project is viable.

Mr. Bondi joined the meeting at 7:15 p.m.

Mr. Mark Robinson, 10 year resident said that this project is not risk free. He said that some risks have been reduced, but he is concerned about the interest rate. Mr. Robinson said that interest rates are at an all time low, but Mr. Hamilton said that he would consider an increase of 3% on the interest rates. If the bonds are general obligation bonds, then they are not risk free to the residents. Mr. Robinson asked that someone make a motion to table this item to delay this project until there is further information from Mr. Hamilton. He said that it was prudent to delay.

Mr. Maslan said that this item is limited to moving it to the full Council on March 24<sup>th</sup>. This is not a final action. Other items have to come into place before the Common Council is in a position to make a final decision on the bond resolution.

Mr. Stanley Seligson said that in the 50 years he has done business with the City there were no economic times as challenging as today. He said that this has been a nine year effort and the project will put Norwalk on the map as a true retail destination. The tax base will be \$4million from the project and the culmination of the three projects in 15 years will increase the tax base by \$45 million. This project will generate 7,000 construction jobs and 2,000 permanent jobs once the project is complete. The structure of this is that they will have to lease 75% in order to finance with the City. The project will be financed by special taxes; it is a win-win situation. The City's collateral is the garage and \$220 million of theirs. The worst situation is that all of the property would be owned by the City, but Mr. Seligson said that he could not envision that happening. Mr. Seligson said that this is not the time for partisanship, but the time to re-shape the City.

Mayor Moccia noted that a full Council was now present.

Ms. Cindy Armijo, representing the Norwalk YMCA said that she represented 2,500 members. She said that they participate in after school programs and have four pre-schools on the site. The area is bordered by several large charities such as Stepping Stones Museum, the Norwalk Hospital, the Human Services Council and The Maritime Aquarium. Ms. Armijo said that the number of people who get off at their intersection have a view of a large pit and the Mansion and old brick buildings; it is not clear that this is the urban core of the City. She said that she was speaking on behalf of the project that

is trying to bring traffic into the area. On behalf of the children and the members she supports this project.

Ms. Patsy Breacia, East Avenue said that this was an exciting moment for all who labored for decades to see the vision of Norwalk realized. She said that she is a resident of Norwalk, a trustee/treasurer at the Lockwood Mathews Mansion and served as a trustee at the YMCA and the Norwalk Hospital Foundation. She said that this project has struggled so long to get to this point and is confident that this Council will take it to the next step.

Mr. Fritz Jellingham, Chester, CT, Director, Stepping Stones Museum for children said that in the five years he has been at Stepping Stones, he has seen a dramatic change in the City. He said that he admired this project and said that it is an extraordinary opportunity to bring great energy to the City.

Mr. Bill Nightingale, Beach Drive, said that he submitted e-mail to the Council and said that he encouraged a more competitive process when Mr. Seligson was appointed the developer. He said that he spoke to the Mayor's Review Committee in August and still has concerns since the real estate market collapsed. He said that he was amazed that no one is looking to re-assess the size of the bond commitment. He said that this was cheap financing for a private developer. Mr. Nightingale said that the deal has to be structured better so that it favors the taxpayer. He said that the City does not need more big box stores and that the extra \$4 million a year is not very much. Mr. Nightingale said that the 75% threshold is an arbitrary threshold and there needs to be more substance and more for the City in return.

Mr. Christopher Potts Nursery Street, resident since 1991 said that he was not against commercial development. He said that this project is the only one asking the City to purchase their garages. He said that this project will endanger Norwalk's AAA bond rating. He urged the Council not to approve this bail out.

Mr. Art Scialabba Acacia Street, Chair Republican Town Committee said that they are in favor of this project. The City needs the opportunities that this project will bring. It has been a long item in coming and he urged everyone to vote in favor.

Mr. Chet Valliante, The Hour Publishing Company said that he was strongly in favor of this project and said that it was long overdue. He said that the bond repayment plan as proposed is reasonable. In addition, he said that he understood that the special services taxing district would protect the taxpayers of Norwalk and the City would own the parking garage and make revenues from it. He said that he hoped the City would not miss this opportunity and that the Council votes in favor.

Ms. Mary Franco, Norwalk Hospital said that the Hospital has 2,000 employees and 600 volunteers who travel to this area on a regular basis. She urged moving this forward; a new infrastructure is badly needed along West Avenue. She said that the financing

structure being proposed protects the Norwalk taxpayers and provides a clear way for the City to be paid back. Ms. Franco said that the Norwalk Hospital supports the development and the bond resolution.

Ms. Diane Lauricella, Blue Mountain Ridge Road, League of Women Voters said that the League of Women Voters did not study this project, but not all of the hard work that went into it. They are please that the process sought public input, but after that openness there is difficulty in getting a copy of the Bond Resolution. The League wants to preserve the integrity of the process and it would be a shame to rush this tonight when the Bond document was not available. Ms. Lauricella said that the document was available late this afternoon and asked to postpone the vote. She said that she does not want to delay it long term, but suggested holding a special meeting so that there is time for the public to weigh in.

Mayor Moccia responded and said that they were not voting on this item tonight. He said that if people had questions they could submit them to either Mr. Maslan or to himself.

Mr. Fred Frank, Harvest Ridge, Stratford, Regional Disability Advocate described his responsibilities within the organization. He noted that his task is to create awareness to business and hire qualified people with disabilities. Mr. Frank said that he was speaking in favor of the project. He noted that he spent all day in New Britain at a meeting, but felt it was important to be here and lend his support. He said that jobs will bring economic strength and an issue is transportation as well as housing, which will be increased in this development. Housing and transportation are key factors that will contribute to the success of this project. Mr. Frank said that it is about time to get in back of this project. It is a win-win-win-win situation; the State, Southwestern Connecticut, the developer and the City of Norwalk wins.

Attorney Frank Zullo, East Avenue said that the effort in South Norwalk was a bold bipartisan effort. As the former Mayor, he reminded the Common Council that South Norwalk did not come easily or cheaply. He said that for a city of this size they should not be concerned; South Norwalk cost more than this will. He said that if they looked at all of the capital budgets from 1960 to today, they will find that the funding was dedicated to the betterment of South Norwalk. Mr. Zullo said that worked well, but Norwalk was neglected. It needs the same attention and commitment. This will not be a direct obligation to the City. The \$104 million will not be floated until 75% of the buildings are occupied. He urged the Council to show the same bold bipartisan commitment that the former administrations showed to South Norwalk.

Mr. Melvin Patrick, Commerce Street, 36 year resident said that the question is, is Waypointe a proper use of City dollars. He said that if the developer can't afford this project then there are options to reduce the cost such as phasing the project and raising additional capital. He said that this is not the proper use of bond money. The City has no money and the citizens have the money; it should be spent for the citizens. Mr. Patrick said that this was not the right purpose to max out the City's credit card.

Ms. Sara Sikes, Old Lantern Place said that she knows a lot of hard work went into this project, but became concerned when she read about the \$100 million because she said that she did not feel it was a good use of taxpayer's money. Ms. Sikes said that she has never read anything positive about Norwalk's parking garages. The Maritime Aquarium cost \$30 million and they promised to pay back the bond, but that was not done. Ms. Sikes asked the Council to look for a better deal for the taxpayers.

Ms. Rika Lisslo, Fairfield said that she was here to voice her support. She said that it was a phenomenal project and a legacy that will hopefully be here forever. Even though it costs a lot of money, it adds to the community.

Mr. Peter Hymes, Newtown Avenue said that he was concerned about the process and the confusion. He said that the economy is volatile and to make a long term commitment is not the right thing to do. He added that he was not sure retail was the way to go.

Mr. Edward Musante, President Norwalk Chamber of Commerce said that they represent 1,000 businesses in mid-Fairfield County. He said that while tonight is not a night to celebrate, it is an evening where there should be congratulations to the Board of Estimate and Taxation, Redevelopment Agency and the Common Council for moving forward with a unique financing plan. He said that the project is not being funded with tax dollars. What the Finance department and the developer created is a unique way to do the project. More information needs to be put out because people need to understand that this is a creative way to finance the project. Mr. Musante said that it is all about jobs, jobs, and jobs. The 7,000 construction jobs and the 2,000 permanent jobs create buying power for the rest of the City. Mr. Musante urged the Council to consider the wonderful benefits to the City.

Mr. Mel Silverstein, Gillies Lane, said that he moved to Norwalk in 1960. At that time there was a tremendous project for the Wall Street area. For four years they were in negotiations and none of it developed. They ended up with nothing. He said that he would hope the Council would think about that when they think about this project. Mr. Silverstein said that he would like the Council to consider if the developer of Merritt 7 used City funding. He said that if the project goes through, he hopes there will be segments for affordable housing. Mr. Silverstein said that the Mayor reported that he asked for federal funding and understands that it is for building roads in that area. He asked if that amount will be subtracted from the amount being funded. Mr. Silverstein said that he hoped the project would employ Connecticut employees.

Ms. Diane Cece, Olmstead Place said that she understood Mr. Maslan's explanation of the purpose of the meeting tonight. She said that this is an action that moved the item to the Council meeting of March 24<sup>th</sup> and she said that she was not sure if there will be a public hearing. Ms. Cece said that she submitted a series of 49 questions that relate to the MDA. Ms. Cece asked the Council to consider holding a public hearing on this and use this meeting for public comment. As of 6:45 p.m. this evening, the bond resolution was

not available on the City's website for review. She noted that the bond resolution is linked directly to the MDA. She said that she received an updated copy at 3:45 p.m. this afternoon from the Redevelopment Agency, but it is impossible to review the document and address it at this meeting. Ms. Cece said that a number of people spoke about the conditions that mitigate the risk, but there are three places in the MDA that give rights to waive those conditions. The Finance Director is given sole discretion to waive the conditions. She said that when the MDA, ordinance and bond resolution are voted on the residents may look back at the poor communication from the City.

Mr. Walter McLaughlan, Thistle Road said that two weeks ago the Council approved the Norwalk Hospital walk at the Beach and they appreciate that very much. He said that he has known Mr. Seligson since 1965 and he has always had the City in his heart.

Mr. Gerry Ephram, Old Saugatuck Road said that the President passed the stimulus package and this project allows the Common Council to achieve a similar objective. People want to work, live and shop in one place. He said that he hoped the Common Council would move this project forward.

Mr. Bill Wrenn, Weed Avenue said that he wanted to draw the Council's attention to a book, "Little Pink House". He explained the story and said that the City has to be careful when entering into private/public agreements. He said that they need to prevent an abuse of power by a private developer. Mr. Wrenn said that a lot of the area that is considered blighted is not really blighted. This developer created a pall that causes people concern about being taken for development by eminent domain. Mr. Wrenn said that they need to take a second look at the project. He said that he did not think the project was economically viable and hopes that the Council takes a hard look at this and a look at reality.

Ms. Narvelette Peterson, Carver Center said that they support this project. It is a revitalization project that will improve the urban core of Norwalk. She thanked the Redevelopment Agency for meeting with the neighbors to get their feedback. She said that this project will inspire investments in Norwalk.

Mr. Dan Brund, Adams Lane said that he would like to see transparency and the bond issue in the newspaper.

Mayor Moccia said that copies of the bond ordinance were available.

There were no further speakers and the public hearing was closed at 8:30 p.m.

**\*\* REV. BOLDEN MOVED THE FOLLOWING ITEM:**

2. **Action on the bond resolution related to the financing of the Waypointe project entitled “Resolution Of The City OF Norwalk Making Appropriations For The Acquisition Of Certain Public Improvements Related To The West Avenue Corridor (Waypointe) Project And Authorizing The Issuance Of General Obligation Bonds Or Revenue Bond Of The City To Meet Said Appropriations”**

**\*\* MR. KYDES SECONDED**

Mr. Krummel said that he was distressed by what he was hearing about the lack of information given to the public. He said that he hears that the City website did not have a copy of the resolution. He said that he would like a summary when the copy is given to the Common Council.

Mayor Moccia said that they had 60 public hearing; the resolution is available now and will be available prior to the Common Council meeting. He explained that they were here to vote on whether or not to put this item on the March 24<sup>th</sup> Common Council agenda. He said that they were not debating the merits of this now; that will come forth on March 24<sup>th</sup>.

Ms. Brown said that based on the level of public participation and the lack of the availability of the bond resolution she asked to move this item to the first Common Council meeting in April. Mayor Moccia said that the point of this meeting is to have a public hearing and a motion to put this in the March 24<sup>th</sup> agenda.

**\*\* MS. BROWN MOVED TO AMEND THE MOTION**

Mr. Maslan said that the motion is to move this item from the Committee of the Whole to the Common Council for the March 24<sup>th</sup> meeting. If they feel at that time that they should hold another public hearing they can vote to do so. The motion shown is to complete this public hearing and move it out of the Committee of the Whole. This public hearing was required by state statute and does not preclude future public hearings.

Ms. Brown said she was not clear if they were going to count March 2<sup>nd</sup>. She said that there are people here tonight that are not sure what action would be taken. She said that they should remind themselves that they work for the public. Ms. Brown said that she does not want to have answer why the information is being kept from them. Mayor Moccia said that he took exception from that.

Rev. Bolden said that as Chair of the Planning Committee and noted that some of these people are on that Committee, that it is one of the most transparent committees in the City. She said that they hold public participation at each and every meeting for whoever chooses to attend. She said that she feels that she is a fair Chairperson, but if people are

not satisfied that the bond resolution was not posted, will give them that. She said that they have from tomorrow to the next Council meeting to come up with questions. She added that this is nothing new. The information has been out for an extended period of time.

Rev. Bolden said that she takes personal offence; the information is out there. She said that she would appreciate it if people would stick to the facts and the issue. Rev. Bolden asked Mr. Sheehan if he would post the document immediately; she said that they have from now until March 24<sup>th</sup> to review the document.

Rev. Bolden said that she is not going to go with Ms. Brown's motion. Ms. Brown asked if the Common Council as a whole is not ready to move forward on March 24<sup>th</sup>, what will happen. Mr. Maslan said that it would go back to where the Common Council says it should go.

Mr. Searsis asked for clarification. Mr. Maslan said that they can ask for a public hearing on March 24<sup>th</sup>. This hearing tonight is being held for the sole purpose of satisfying statutory requirements. Any additional hearings after tonight will be at the discretion of the Common Council. Mr. Maslan said that he does not have a specific answer as to where this will go if it does not proceed on March 24<sup>th</sup>.

Mr. Serasis asked if a public hearing can be held. Mr. Maslan said that there is a public participation component at the beginning of each Common Council meeting.

There was no action on Ms. Brown's motion.

**\*\* MOTION PASSED WITH ELEVEN (11) IN FAVOR (MR. BONDI, MR. GEAKE, MR. MCQUAID, MR. BONENFANT, REV. BOLDEN, MR. HILLIARD, MR. KYDES, MS. LINDSTROM, MR. HEMPSTEAD, MS. STRANITI, MR. CONROY) AND THREE (3) IN OPPOSITION (MS. BROWN, MS. DULEEP, MR. SERASIS)**

### ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 8:45 p.m.

ATTEST: \_\_\_\_\_  
Mary Roman, City Clerk