

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JANUARY 26, 2010
REGULAR MEETING MINUTES**

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.

CALL TO ORDER

Mayor Moccia called the meeting to order at 8:05 p.m. and led those present in reciting the Pledge of Allegiance, and requested all to remain standing for a moment of silence in memory of Tom Corbo. Mayor Moccia paid tribute to Mr. Corbo as one of Norwalk’s outstanding citizens, who was actively involved in youth programs and had a lifetime of service to the Community, and he will be sadly missed. He stated that he had attended the wake along with other City officials, and he extends his deepest sympathies to the members of the Corbo family.

I. ROLL CALL

Ms. Wink called the roll. The following Council Members were present:
Council at Large:

Mr. Fred Bondi	Mr. Douglas Hempstead	Mr. Richard McQuaid
Ms. Joanne Romano	Mr. John Tobin	
District A:	Mr. Richard Bonenfant	Mr. David Jaeger
District B:	Mr. Carvin Hilliard	Mr. Travis Simms
District C:	Mr. Nicholas Kydes	Ms. Laurel Lindstrom
District D:	Mr. Clyde Mount	Ms. Kelly Straniti
District E:	Mr. Andrew Conroy	Ms. Nora King

Mayor Moccia announced that all members were present, representing a full Council.

II. ACCEPTANCE OF MINUTES

Regular meeting – January 12, 2010

Ms. Lindstrom requested changes to the minutes as follows: Page 3, 1st paragraph: Delete “second the support of the nomination of Mr. Kassimis and Ms. Fan and said that both appointees are highly regarded as the right persons for the positions” The sentence should read “Ms. Lindstrom stated that she wanted to acknowledge the outgoing Zoning Board member Mr. Gordon Tully and thanked him for his consistent record of hard work and leadership with the Board.” Also, on the last paragraph on that page, she requested to add “Ms. Lindstrom added her statement of support of the re-appointment of Dr. Pinto to the Harbor Management Commission.”

- ** MR. TOBIN MOTIONED TO APPROVE THE MINUTES FROM THE JANUARY 12, 2010 MEETING, WITH CORRECTIONS AS NOTED.**
- ** THE MOTION PASSED WITH A VOTE OF 14 IN FAVOR, NONE OPPOSED AND 1 ABSTENTION (MS. STRANITI).**

III. PUBLIC PARTICIPATION

Mayor Moccia reviewed the procedure and rules for those who had signed up to speak, and asked those individuals to state their name, address or affiliation and to comment only as relevant to the agenda items, limited to a maximum of three minutes.

The following comments are not verbatim and represent a summary of statements made.

Mr. Jack Chiamonte, introduced himself as Vice-Chairman of the Board of Education, and stated that he was here tonight to thank the Council for their efforts with the Webster Parking Lot. He said the booths have destroyed many businesses and removal of the booths will make many people very happy. He added that he has waited a long time to get rid of that feature of the parking lot and looks forward to having them knocked down.

Mr. Bill Nightingale, Jr. stated that he lived on South Beach Drive in Norwalk and was very concerned with three issues and asked if the three minute time limit was on each comment, and Mayor Moccia stated that it was three minutes in total. He stated that the \$500,000 investment for the revised parking proposal was lacking information on revenue or spending and he could find no analysis on either the City website or Parking Authority directory. He added that this information is critical to have priority to approving the project in order to have a rate of return to determine if the project is viable. He added that he agreed with the letter to the editor regarding scooters that were frivolous and an expenditure that would not justify a staff reduction, requires storage and maintenance. Mr. Nightingale stated the Globe Theater buy-out is an outrageous example of a City bail out of a property purchased at \$1.1 million in 2009 and now selling to the City of \$1.5 million or a 36% return.

Mr. Kydes recused himself and left the meeting room at 8:20 p.m.

Mr. Nightingale added that a private buyer should be sought rather than City buy-out that involves a family member of a council person. Mayor Moccia stated that relevant comments only would be permitted, and Mr. Nightingale stated that it was relevant when the City acts in an irresponsible manner. Mayor Moccia again re-stated that comments of personal attack would not be permitted, and asked Mr. Nightingale to bring his comments to closure. Mr. Nightingale stated that his third point involved the Waypointe \$2.9 million reallocated from design fees to land acquisitions. He asked if this was an appropriate allocation or a re-direction that has deviated from the approved plan. He added that he encourages the public officials to provide the sober voice of reason and use sound restraint when making changes of this nature.

Mr. Kydes returned to the meeting at 8:25 p.m.

Mr. Melvin Patrick, 7 Commerce Street, Norwalk stated he was against the Webster plan of parking ambassadors, and questioned how this would reduce the staffing costs. He added that three scooters would require storage and was clearly not a well-developed plan in the best interests of the Parking Authority.

Mr. David Davidson of 16 Betmarlea Road, Norwalk stated he was against the Letter of Intent relative to the Globe Theater.

Mr. Kydes recused himself and left the meeting room at 8:30 p.m.

Mr. Davidson stated it was inappropriate to purchase the property at a value that could be less depending on environmental renovation requirements, just because the property owner is not able to reach an agreement with the developer. He added that a City bail out is not in the City's best interests.

Mr. Remy Chevalier of 10 Knight Street, Norwalk, stated that he was a business owner along Wall Street and was very much in favor of the revitalization of the Globe Theater as it is in disrepair and is an essential part of the revitalization of the area, regardless of the costs involved. He added that it is unfortunate for the city to face a loss in market value, but it is a long term benefit, and stated that he and others have offered their support with volunteering physical labor to clean out and clean up the building as necessary.

Ms. MaryBeth Becker, stated she was a life-long resident of Wall Street in Norwalk and stated that over the last few days she spoke with several of the Wall Street property and business owners who couldn't be here in person this evening because of work commitments, but they wanted to express their support. She read a letter, summarized as follows:

...As business owners on Wall St and Norwalk residents, we strongly support the Common Council in supporting the Redevelopment Agency for the purchase of the Globe Theatre. It is important to us that the Globe be used as a theatre, not only for economic impact but also for the cultural infrastructure that the downtown area needs. As a significant structural landmark in the neighborhood, we feel the Globe should be renovated and used as its historical purpose of a theatre. Thank you for hearing our voices.

Carissa Dellicicchi, The Stand Juice Company; Mike Hvizdo, Susan Jolicoeur, The Centre for Natural Healing, Fern Speller, Paula Spleller, Hair It Is; Kristen Howard, Pymander, Amy Holomakoff, Anna Perelli, Wesley Lansdon. Also, verbal support from: Lauri McLean – JazzWorx, Massimo Tullio – Fat Cat Pie and Fat Cat Joe

Ms. Becker added that while she wears 'many hats' in this city, tonight she is speaking simply as a resident – one who lives just a 5 minute walk to Wall Street...and the Globe Theatre area has been a passion of hers for most of 15 plus years, its unique mix of residents, retail and service establishments make it a truly authentic community and a center of Norwalk's economy.

She added that her whole family supports the area with time and money, truly 'shop local', help plan festivals on Wall Street, organize community cleanups, and want nothing more

than to see downtown returned to its former status, and that the Globe Theatre is a vital element to Wall Street's – and Norwalk's – continued renaissance and economic development. She went on to provide a brief overview that a new Wall Street Redevelopment plan was passed back in 2004 and people were cautiously optimistic that Wall Street might finally 'turn the corner' and enthusiastic that renovation of this theatre, caused some visionary business owners to take chances and opened businesses that grew through high quality offerings and resident recommendations.

Mayor Moccia asked her to bring her comments to closure due to the time limit, and she added that many businesses overwhelmingly support moving forward with the current proposal for the Redevelopment Agency to purchase this property. Ms. Becker added that while this current proposal is not ideal (mostly because it rewards someone for obtaining and neglecting a pivotal redevelopment parcel), it is the closest thing to forward progress. She added that this historic theatre should be restored to its former glory and utilized as a community resource for all – with a wide variety of cultural programming. This proposed plan will add the missing link – filling the cultural void. It's time to move this city forward. Please vote 'yes' for Norwalk's future.

Mr. Kydes returned to the meeting at 8:33 p.m.

III. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

There were no resignations or appointments to report.

B. REMARKS

Mayor Moccia stated that the 2010 Mayor's Ball was a successful event with over 500 people in attendance, which was a great turnout. He thanked those Council members and City officials who attended, and added it was a wonderful tribute/fundraiser to the Achieve Organization.

Mayor Moccia announced that he had attended a Mayor's Conference held in Washington, DC and had the opportunity to meet President Obama in a closed-door session, where Stimulus 2 was discussed. He added that he is hopeful that funds will be geared directly to the cities and not to states, and he encouraged the legislators to allow cities to get funding to put programs in place, creating jobs to stimulate city economies.

IV. COUNCIL PRESIDENT

Remarks

Mr. Hempstead announced that there is an open invitation to the Norwalk Symphony event this Saturday evening, and he will forward the e-mail with information to the Council members.

Mr. Hempstead announced that there will be a round-table discussion with the Chamber of Commerce Board of Directors with the location to be determined. He added that the

objective is to learn from their governing board how to improve efficiencies with the program approval process, and this was suggested at the annual meeting with the Norwalk Redevelopment Agency.

Mr. Hempstead mentioned the Norwalk Hospital luncheon to review expansion plans may be rescheduled due to the lack of response, and Mayor Moccia added that it had been a breakfast in the past, a luncheon was planned to encourage greater participation, but also low response.

Mr. Hempstead stated that many Council members have day jobs that cannot accommodate luncheon meetings, and suggested an evening event was preferred, and Mayor Moccia said that is difficult to schedule around the number of City meetings. Mr. Conroy stated that he preferred a breakfast meeting, and Mayor Moccia indicated that he would keep the Council members apprised of the future date

Mr. Hempstead thanked the Council members that attended the public information session held at last week's Planning Committee meeting and stated that Council members are encouraged to attend any committee meeting, even if they are not on that committee, as it helps to keep them informed on City programs.

A. GENERAL COUNCIL BUSINESS

B. CONSENT CALENDAR:

**** MR. HEMPSTEAD MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:**

Note: Items as approved on Consent Calendar listed in bold type

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

1. **RESOLVED**, that a sum not to exceed \$5,900 be and the same is hereby transferred from Increased Estimated Revenues to the Planning & Zoning Department to cover the cost of Legal Notices for the Conservation Commission. (Acct. 01-3330-5231).

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. **Accept and Approve the Report of the Claims Committee Dated: January 14, 2010**

Items approved on consent – continued.

2. **For informational purposes only: Narrative Tax Collections Dated: January 14, 2009.**

3. **For informational purposes only: Monthly Tax Collector's Report Dated:
November 30, 2009 December 31, 2009**

- 5a. **Authorize the Mayor, Richard Moccia, to execute an Agreement with Andrews Technology (NOVATIME SYSTEM) for a Time and Attendance System for time collection, recording, and reporting as specified in City's RFP #2813 for an amount not to exceed \$100,000.00 (Account No. 09100600-5777-C0375).**

- 5b. **Authorize the Comptroller to issue change orders on the contract for a total not to exceed \$10,000.00.**

6. **Authorize the Mayor, Richard Moccia, to execute an Amendment to the Agreement with Innovative Interfaces for the Norwalk Public Library Automated Library Management System Replacement Program, which includes equipment, software, and services, per quotation dated November 3, 2009, at a cost not to exceed \$23,700, account 09100600-5777-C0375 (approved IT capital budget item; no special appropriation required)**

7. **Authorize the Purchasing Agent to issue a Purchase Order to Total Communications Inc., a sole source provider, for the annual renewal of technical support and maintenance services for the telephone and voice mail systems for the following locations: City Hall, Board of Education Central Office, Health Department, South Norwalk Library Branch, Police Department (@ 24x7), Animal Control, Public Works Center, 5 Fire Stations (@ 24 x 7), Fire Apparatus Maintenance; and voice mail systems for Norwalk High School, Brien McMahon High School, Briggs High School, Ponus Middle School, Nathan Hale Middle Schools, and Roton Middle School; for the period September 30, 2009 to September 29, 2010, for an amount not to exceed \$73,056.69. Account 010600-5245 (budgeted operating expense; no special appropriation required).**

8. **Authorize the Purchasing Agent to issue purchase orders to ePlus Technologies, an authorized HP reseller, for the purchase of HP storage drives for Police surveillance video storage for an amount not to exceed \$2,109.42, Act 09100600-5777-C0375 (Budgeted Capital item; No Special Appropriation required).**

B. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. **Authorize the Mayor, Richard A. Moccia to enter into an agreement with the American Cancer Society for their Annual Relay for Life to take place Friday, June 18, 2010 through noon on Saturday, June 19, 2010 at Brien McMahon High School Casagrande Field. Estimated attendance 500.**

Items approved on consent – continued.

2. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Alzheimer's Association of CT for their Annual Memory Walk – Walk-A-Thon to take place at Calf Pasture Beach Sunday, October 3, 2010 from 7:00 AM – 2:00 PM. Estimated attendance 500+.
3. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Animal Cancer Foundation for their Annual Smokey's Day to be held at Taylor Farm Sunday, October 3, 2010 from 7:00 AM – 6:00 PM. Estimated attendance 300.
4. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Water Sports Center for an interscholastic rowing regatta to be held at Veteran's Park to be held Sunday, May 2, 2010 from 7:00 AM – 4:00 PM.
6. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Round Hill Highland Games Inc. for the use of Cranbury Park for the 87th Annual Round Hill Highland Games to be held Saturday, July 3, 2010 from 6:00 AM – 9:00 PM. Set up Friday, July 2, 2010 8:00 AM with tear down Monday, July 5, 2010 by Noon. Estimated attendance 2,500.
7. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Juvenile Diabetes Research Foundation for the use of Calf Pasture Beach for the "Walk to cure Diabetes" to be held Sunday, October 10, 2010 from 9:00 AM – 1:00 PM. Set up Saturday, October 9, 2010 at Noon with tear down Sunday, October 10, 2010 no later than 5:00 PM. Estimated attendance 1,100.
8. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Town and Country Montessori School for the use of the Pavilion and Trails at Cranbury Park for the Daffodil Dash 5K Walk/Run to be held Sunday, April 11, 2010 from 7:30 AM – 12:30 PM. Estimated attendance 150.
10. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk Karting Association for the use of Calf Pasture Beach Parking Area for their Annual Spring and Fall 2010 Racing Season for the following dates:
 - Spring: March 27, 2010
 - April 3, 10, 17, 24, 2010
 - May 1, 8(no Sunday), 16, 22(no Sunday), 2010
 - Fall: September 18, 2010
 - October 2, 9(no Sunday), 16, 23, 30, 2010
 - November 6, 13, 20, 2010Sunday racing makeup if available. Estimated attendance each race 250.

Items approved on consent – continued.

11. Coast Guard Auxiliary Lease – Authorize the Mayor, Richard A. Mocciae to execute an agreement with Flotilla 72 Corporation A/K/A United States Coast Guard Auxiliary for the use of the land surrounding the Coast Guard Auxiliary building at Calf Pasture Beach. Lease period shall be three years with 1 two year option. Lessee shall be responsible for its share of utility costs.

13. Authorize the Purchasing Agent to issue a purchase order to Country Carpenters, Inc. for Bid #2912 Carriage House Fodor Farm New Carriage House construction for a sum not to exceed \$27, 310.90. Account #356074-5560. A State grant for Fodor Farm from Department of Environmental Protection.

Ms. Lindstrom noted that the wording “new Carriage House construction” was to have been added to the item.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

2. RESOLVED, that a sum not to exceed \$5,000 be and the same is hereby transferred from Contingency to the Registrar of Voters to cover the cost associated with the mandatory re-canvas and recount of the November 2009 elections. (Acct. Various).

Mr. Bondi asked if this was a new allocation or transfer, and Mr. Hamilton responded it was a special appropriation addition to the budget representing an increase from \$20,000 to \$25,000.

Mr. Tobin recused himself and left the meeting room at 8:40 p.m.

Mayor Moccia called for a roll call vote.

**** MR. KYDES MOTIONED TO APPROVE THE ITEM RESOLVED, THAT A SUM NOT TO EXCEED \$5,000 BE AND THE SAME IS HEREBY TRANSFERRED FROM CONTINGENCY TO THE REGISTRAR OF VOTERS TO COVER THE COST ASSOCIATED WITH THE MANDATORY RE-CANVAS AND RECOUNT OF THE NOVEMBER 2009 ELECTIONS. (ACCT. VARIOUS).**

**** THE MOTION WAS APPROVED WITH 13 VOTES IN FAVOR, 1 OPPOSED (MR. BONDI).**

Mr. Tobin returned to the meeting room at 8:42 p.m.

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

4. Resolution Appropriating \$500,000 For Renovations And Improvements At Webster Parking Lot And Authorizing The Issuance Of \$500,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose.

Mr. Kydes moved the item and stated that this was a bond to raise funds for improvements that were long overdue, that Mayor Moccia had spent a great deal of time meeting with the merchants for some time having requested removal of the booths. He added that this bond will be paid back from revenues not from taxpayers, and recommends approval. Ms. King stated she had a problem with the process and asked why approve the budget then seek a bond appropriation seems to be the wrong way in going about parking modifications.

Mayor Moccia stated that changes were not originally approved by his current administration, but that he has been working to fix problems created by a previous administration.

He reminded Ms. King that the issue was the bond appropriation process not a negotiation with the Parking Authority's plans. Ms. King replied that political finger pointing to prior administration was irrelevant but her concern was how well this will improve the efficiency of the pay station. She added that her issue was that she had spoken to small business owners who were concerned that removal of the 15-minute free parking rule has been eliminated, and they were fearful that this would damage their take-out business. She added that she has been in contact with Kathryn Hebert at the Parking Authority who confirmed that the 15 minute free program would cease.

Mayor Moccia clarified that it was not proper to bring this up to the Council, that the Parking Authority is an appointed Board, well established with rules and regulations, and agenda item was only a funding resolution for the bond. Ms. King asked if the Parking Authority operating budget had been approved, and Mr. Alvord replied that it has been presented to the Finance Department with small fee changes. Mayor Moccia stated that the Parking Authority budget was not germane to the issue and requested comments be kept to the bonding issue.

Ms. Lindstrom asked if there had been any public hearing regarding the item, and stated this appeared to be a cart before the horse issue. Mr. Alvord stated that the item had gone through the Parking Authority, and a public hearing would only be required relative to rate increases, which were not proposed.

Mr. Tobin asked to clarify the issue was not a change in rate, which would have to be approved by the Parking Authority with a public hearing, and further debate should not hold up the bonding issue for improvements. Ms. Straniti stated that she agreed with keeping the 15-minute free practice but that the public booths have been a nightmare for a long time and should be addressed.

Mr. Hempstead stated that he "dittoed" the comments and stated that if that was the wish of the Council without doing a vote tonight he will ask the City Clerk's office to prepare a resolution for the next council meeting that will indicate that 15 minutes are to be left intact and let it close our vote as it may so the Parking Authority can have a sense of how the Council feels. He added that he agrees with the free 15 being left as is, but was very much in favor on taking down the booths which is a positive move ahead.

Mr. Bondi stated that he had suggested back then when the booths were approved to do then what is being recommended now; and unfortunately it is a cost to the City to remove the booths. He asked Mr. Alvord what the charge was at the Yankee Doodle garage, and he responded it was only 25 cents per hour.

Mr. Bonenfant stated that really, the Council was not far apart on this issue, all seem to agree to keep the free 15 minutes despite the time it takes to navigate one end of the lot to another. He added that he hopes the bonding can be resolved to move forward to the much needed improvements for the Webster lot.

Ms. Romano stated that she agrees with Mr. Hempstead that the 15 minute free rule is much needed, especially for parents that drop off their kids at the movie theater, and feels improvements can be used to make the lot operate more efficiently.

Mr. Kydes re-stated that improvements are sorely needed, he agrees to keep the 15 minute free; but to keep in mind that it is a strategic move to lock in the rate for the \$500,000 bond to fund project and recommends voting on the bonding.

Mayor Moccia stated for the purpose of advising the public participants who commented about this would not be a staff savings, that the back-up material lists a savings in staffing of \$70,000 with the proposed improvements.

Mayor Moccia requested a roll-call vote.

**** MR. KYDES MOTIONED TO APPROVE THE RESOLUTION APPROPRIATING \$500,000 FOR RENOVATIONS AND IMPROVEMENTS AT WEBSTER PARKING LOT AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.**

**** THE MOTION WAS APPROVED WITH 13 VOTES IN FAVOR, 1 OPPOSED (MS. KING).**

9. Approve Resolution with respect to the authorization, issuance and sale of City Of Norwalk General Obligation Refunding Bonds not exceeding \$95,000,000. Authorization expires December 31, 2010.

Mr. Kydes moved the item and requested Mr. Hamilton, Director of Finance, to provide the background and overview of the bond refunding. Mr. Hamilton referred to the supporting documents and stated this was similar to a homeowner refinancing their mortgage, and stated that based on the current market, a refunding opportunity is available to produce a savings of 2% or approximately \$621,000 in present value savings. Mr. Hamilton added that among the bonds in the proposed transaction are bonds to finance the construction of the Maritime Garage, which will replace these bonds with City General obligation bonds as lower interest cost. In addition, the Parking Authority will include funds for bond repayment in its operating budget not in the City's general fund.

Mr. Kydes thanked Mr. Hamilton for providing a thorough review and analysis of the item.

- ** MR. KYDES MOTIONED TO APPROVE THE RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF CITY OF NORWALK GENERAL OBLIGATION REFUNDING BONDS NOT EXCEEDING \$95,000,000. AUTHORIZATION EXPIRES DECEMBER 31, 2010.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Mayor Moccia requested a five minute recess. The meeting was recessed at 9:30 p.m. and reconvened back into session at 9:35 p.m.

B. PLANNING COMMITTEE

1. Approve the Redevelopment Agency's Letter of Intent (LOI) to purchase 71 Wall Street (AKA The Globe Theater) in furtherance of the Wall Street Redevelopment Plan and per the Council's Action at its September 8, 2010 meeting, item VII (E) (2) (b).

Mr. Bondi stated that there was a typo on the item and the date should be September 8, 2009, not 2010.

Mr. Kydes recused himself and left the meeting room.

Mr. Hempstead outlined the process that began several years ago with the Wall Street Plan, where the Eminent Domain was voted upon by the Council to not be a negotiation tool with acquiring properties by the Redevelopment Agency. He added that the property had been "flipped" prior to the approved redevelopment plan by the developer.

Ms. King referred to the back-up material from Thompson Hine Attorneys and questioned the wording on the letter of intent. Mr. Sheehan answered that those items would be addressed in the contract, along with following the practice of due diligence, Council approval, formal contract of sale through Corporation Counsel's office. He provided an overview of the background stating that the purchase price is \$1,500,000 and highlighted elements of the contract covering contract deposit, remediation, and conditions of acquisition.

Ms. King questioned the contract deposit and the cancellation options, and Mr. Sheehan responded that as stated this was a letter of intent and the contract should be rescindable should the agency decide not to close on the sale within ten (10) business days after client executes and delivers a signed copy of the letter of intent. Mr. Conroy added there should always be an exit plan, and Mr. Sheehan added that they cannot do a full plan with contract stipulations until the due diligence is done after access to the building is permitted and remedial environmental conditions are determined.

Ms. Straniti added that this has been a difficult process and she credits the Redevelopment Agency for their efforts to preserve the cultural aspects of the Wall Street Plan.

Mr. Jaeger asked if this property will stay as a theater, and Mayor Moccia responded that it was a good question, and the plan called for it to be a public cultural use building. Mr. Sheehan added that there options that would change the plan based on environmental remediation. Mr. Mount asked that if there was an “out clause” based on the environmental conditions and Mr. Sheehan responded yes, that the Agency can get out once those conditions are determined.

Mr. Conroy requested to add a statement of perspective on the amount of deliberation and Executive Sessions that took place regarding the City’s power of eminent domain. Ms. Lindstrom added that she was in agreement with that statement and wanted to add that this situation was not taken lightly, and handled with months of committee meetings, long deliberation sessions, including lengthy debates and many Executive Sessions.

Ms. King stated that she has done research with the Tax Assessor and finds it disturbing that the City did not do a better job at being on top of the market value with the POKO project. Mr. Hempstead clarified that the property had been “flipped” prior to the approved redevelopment plan by the developer.

Mayor Moccia called for a roll call vote.

- ** MR. HEMPSTEAD MOTIONED TO APPROVE THE REDEVELOPMENT AGENCY’S LETTER OF INTENT (LOI) TO PURCHASE 71 WALL STREET (AKA THE GLOBE THEATER) IN FURTHERANCE OF THE WALL STREET REDEVELOPMENT PLAN AND PER THE COUNCIL’S ACTION AT ITS SEPTEMBER 8, 2009 MEETING, ITEM VII (E) (2) (B)..**
- ** THE MOTION WAS APPROVED WITH 10 VOTES IN FAVOR, 4 OPPOSED (MR. TOBIN, MR. JAEGER, MR. SIMMS, MS. KING).**

Mr. Kydes returned to the meeting at the conclusion of the vote at 10:00 p.m.

PLANNING COMMITTEE- continued

2a. Authorize the Mayor to request that DECD submit the following language to the State Bond Commission to amend the current grant budget for the \$5 million Urban Act grant approved December 12, 2008 for the City of Norwalk Waypointe mixed-use development project in the West Avenue Corridor redevelopment area:

These funds are requested to provide a grant-in-aid to the City of Norwalk to assist with the development of public improvements associated with the Waypointe mixed-use development project in the West Avenue Corridor redevelopment area.

2b. Authorize the Norwalk Redevelopment Agency as the Grant Administrator to execute all documents relevant to implement the Urban Act Grant Assistance Agreement and the Project Financing Plan and Budget for the DECD Urban Act \$5 million grant for public

improvements associated with the Waypointe mixed-use development project in general accordance with the attached draft budget. Such authorization does not extend beyond a 15% change in any related line item.

Mr. Hempstead stated he is requesting to move the above items 2a. and 2b. as one item. He added that there was a public information session held last week regarding the item, and Mr. Sheehan of the Norwalk Redevelopment Agency had provided an in-depth overview of the background of the project, and he asked Mr. Sheehan to share this overview, and to field any questions. Mr. Hempstead added that the issue at hand, again, is the amended wording to the language of the grant to allow the flexibility for infrastructure improvements and not specific land acquisitions, utilization or approvals.

Mr. Sheehan provided a background on the Norwalk Urban Act Grant in the amount of \$5 million to fund public improvements as identified by the State Bond Commission is to assist with the final design and surveys for the Waypointe mixed use development project. He added that while the need for design services remains, the work of completing site control is a first priority in any redevelopment effort in order to move the project forward into zoning approvals and entitlement.

Ms. King stated that she continues to have problems with the issue of setting aside money for land acquisitions and asked what was the reason for now at this stage of the project and all the prior approval levels, coming up with \$2,985,000 needed and wanted to know if it had to come from some list of property.

Mr. Sheehan added that grant funding in the area of land appraisals, site acquisitions and environmental investigations needs to be prioritized with due diligence by the various committees. He summarized that the present State Bond Commission allocation language too narrowly defines the uses for the grant, and the Agency has been working with DECD to put forward the request to amend the current grant authorization language.

Mr. Hempstead clarified that there was no allocation of approved acquisitions; this was only modified language to allow flexibility. He added that there no recommended spending, that would have to go to Committee, Commission, Council and so forth. Mr. Sheehan responded that it goes through the DCED not the Bond Commission, and that the State is in support of the change.

Ms. King questioned the wording and stated that this is the cart before the horse and why did they not know of acquisitions with the negotiations. Mr. Sheehan responded that the structure of the MDA under Article XIX as approved by the Council and Corporation Counsel states the entire project site coming under the control of the redeveloper during construction. He added that the Agency is not seeking to use the grant for any contested land acquisitions, and land acquired by mutual agreement between the government and the landowner remains eminent domain, there is no plan to use the grant for contested property.

Ms. Lindstrom stated that the public information session was very helpful in answering her questions and she thanked Mr. Sheehan for all the in-depth review that was provided. She added the issues were well explained, and she feels very comfortable with the clarification.

Ms. Romano stated that she had attended last week's public information session and had reservations about the modified language. She added that the Redevelopment Agency did a very thorough job of answering all the questions and she now feels in favor of approving the modified bond wording for infrastructure improvements.

Mr. Bonenfant stated that he had also attended the public information session and many of his questions had been addressed. He asked Mr. Sheehan to explain how the contingency was determined and Mr. Sheehan responded that the RDA administers the grant on behalf of the City and attests that state funding is utilized appropriately in accordance with the MDA.

Mr. Conroy added that any contested land remains eminent domain with public improvements at fair market value, and suggested as with past practices, they cautiously pursue an "out clause".

Mayor Moccia called for a roll call vote.

**** MR. HEMPSTEAD MOTIONED TO AUTHORIZE THE MAYOR TO REQUEST THAT DECD SUBMIT THE FOLLOWING LANGUAGE TO THE STATE BOND COMMISSION TO AMEND THE CURRENT GRANT BUDGET FOR THE \$5 MILLION URBAN ACT GRANT APPROVED DECEMBER 12, 2008 FOR THE CITY OF NORWALK WAYPOINTE MIXED-USE DEVELOPMENT PROJECT IN THE WEST AVENUE CORRIDOR REDEVELOPMENT AREA:**

THESE FUNDS ARE REQUESTED TO PROVIDE A GRANT-IN-AID TO THE CITY OF NORWALK TO ASSIST WITH THE DEVELOPMENT OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THE WAYPOINTE MIXED-USE DEVELOPMENT PROJECT IN THE WEST AVENUE CORRIDOR REDEVELOPMENT AREA.

AND TO AUTHORIZE THE NORWALK REDEVELOPMENT AGENCY AS THE GRANT ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELEVANT TO IMPLEMENT THE URBAN ACT GRANT ASSISTANCE AGREEMENT AND THE PROJECT FINANCING PLAN AND BUDGET FOR THE DECD URBAN ACT \$5 MILLION GRANT FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH THE WAYPOINTE MIXED-USE DEVELOPMENT PROJECT IN GENERAL ACCORDANCE WITH THE ATTACHED DRAFT BUDGET. SUCH AUTHORIZATION DOES NOT EXTEND BEYOND A 15% CHANGE IN ANY RELATED LINE ITEM.

**** THE MOTION WAS APPROVED WITH 12 VOTES IN FAVOR, AND 3 OPPOSED (MR. JAEGER, MR. SIMMS, MS. KING)**

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

5. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the SBW Events Group for the use of Taylor Farm for Live Green Connecticut! to be held Saturday, September 18, 2010 and Sunday, September 19, 2010 from 8:00 AM – 6:00 PM both days. Set-up to take place Friday, September 17, 2010 at noon with breakdown Monday, September 20, 2010 by noon. Estimated attendance 2,500.

Mr. McQuaid stated that the item had been sent back to Committee by the Council and last week Mr. Weicker addressed the issue of proceeds. Mr. Weicker provided a brief summary of the program and Mr. Bondi asked what organizations would benefit from the proceeds. Mr. Weicker stated that proceeds would to the Norwalk Seaport Association, Norwalk Riverview Trails Project, Calf Pasture Wind Power Project and Sound Waters.

Ms. Lindstrom stated that she wanted to thank Mr. Weicker for coming back to both the Committee and the Council and providing the answers to the questions raised by the Council members. She added that she supports this event as a suitable program for the City of Norwalk and was a good “environmental fit” to be held at Taylor Farm.

Mr. Hempstead asked if SBW Events was a 501-3C Non-Profit Organization, and if this is a money-making program for the City. Mr. Weicker responded that they did not yet have their 501-3C designation, but that they were a Non-Stock Organization. Mr. Mocciae added that the group will pay the standard rental fee of \$800 day excluding set-up days and that this is hopefully cultivating a future annual event.

**** MR. MCQUAID MOTIONED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE SBW EVENTS GROUP FOR THE USE OF TAYLOR FARM FOR LIVE GREEN CONNECTICUT! TO BE HELD SATURDAY, SEPTEMBER 18, 2010 AND SUNDAY, SEPTEMBER 19, 2010 FROM 8:00 AM – 6:00 PM BOTH DAYS. SET-UP TO TAKE PLACE FRIDAY, SEPTEMBER 17, 2010 AT NOON WITH BREAKDOWN MONDAY, SEPTEMBER 20, 2010 BY NOON. ESTIMATED ATTENDANCE 2,500.**

**** THE MOTION WAS APPROVED WITH 14 VOTES IN FAVOR, AND ONE OPPOSED (MR. HEMPSTEAD).**

9. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Tri-fitness for the use of Calf Pasture Beach for an All Women Triathlon to be held Saturday, August 28, 2010 from 6:30 AM – 9:30 AM. Set up to take place Friday, August 27, 2010 at Noon with tear down Saturday, August 28, 2010, Noon. Estimated attendance 400-500.

Mr. McQuaid stated that was a representative of the group in attendance, who had applied to the Committee stating that they had wanted to try an all-female event and that this was similar to the Team Mossman events which have been well handled previously.

Mr. Chalva Tchkotoua stated that he was representing Pascale Butcher for the event and that they had held many prior events with the City. Mr. Bonenfant asked if profits are donated to an organization and Mr. Tchkotoua stated that after expenses associated with administrative costs, there are several organizations they support with donations.

Mr. Hempstead asked for a final accounting of proceeds to be reported to the Committee as a matter of procedural follow up on events, and Mr. Mocciaie responded that is always done.

Ms. King asked what safety instruction and precautions were being taken and Mr. Tchkotoua replied that Calf Pasture certified life guards are on duty and individual waivers must be completed and signed. Mr. Mocciaie added that certificates of insurance are always required for all events.

**** MR. MCQUAID MOTIONED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH TRI-FITNESS FOR THE USE OF CALF PASTURE BEACH FOR AN ALL WOMEN TRIATHLON TO BE HELD SATURDAY, AUGUST 28, 2010 FROM 6:30 AM – 9:30 AM. SET UP TO TAKE PLACE FRIDAY, AUGUST 27, 2010 AT NOON WITH TEAR DOWN SATURDAY, AUGUST 28, 2010 AT NOON. ESTIMATED ATTENDANCE 400-500.**

**** THE MOTION PASSED UNANIMOUSLY.**

12. Authorize the Purchasing Agent to issue a purchase order as sole source supplier to Musco Lighting for a sum not to exceed \$46,224.00 for the supply of Tennis Lighting for Mathews Park Tennis Courts. Acct #09106030-5777-C0132 and 09096030-5777-C0132.

Mr. Mocciaie stated that the Committee had approved lighting along the bike trails and that this was now to replace what had been removed four years ago. Ms. King asked if this was just for the tennis courts, and how many poles there were, and if this was in the Capital Budget. Mr. Mocciaie answered four poles, item was approved in the Capital Budget two years ago, and added that the lights were “environmentally green” with low light pollution. He added that Musco is the supplier for Brien McMahan High School baseball field lighting and neighbors fifty feet away do not complain of light pollution.

Mayor Moccia asked the council Members to note that there would be one more item of new business after this item vote and to please not rush into adjournment.

**** MR. MCQUAID MOTIONED TO APPROVE THE ITEM TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER AS SOLE SOURCE SUPPLIER TO MUSCO LIGHTING FOR A SUM NOT TO EXCEED \$46,224.00 FOR THE SUPPLY OF TENNIS LIGHTING FOR**

**MATHEWS PARK TENNIS COURTS. ACCT #09106030-5777-C0132 AND
09096030-5777-C0132.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mayor Moccia asked the Council members to note that Norwalk has joined with other surrounding cities in a lawsuit with the FAA to implement changes in the airport flight patterns to avoid being in the direct path of high airline flight traffic. He added that Norwalk is prepared to fight the battle with the Federal Aviation Administration, and is looking for the support and involvement of the Council members to keep informed.

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from Common Council.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed.

X. SUSPENSION OF THE RULES

There were no suspensions of the rules.

XI. ADJOURNMENT

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

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services