

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 8:00 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

City Clerk Herring called the roll. The following Council Members were present:

Council at Large: Mr. Douglas Hempstead Mr. Fred Bondi Ms. Sarah Mann
Ms. Anna Duleep Mr. Warren Peña
District A: Mr. Matthew Miklave Mr. David Watts
District B: Mr. Carvin Hilliard Mr. Michael Geake
District C: Mr. Nicholas Kydes Ms. Michelle Maggio
District D: Mr. Jerry Petrini Mr. Bruce Kimmel
District E: Mr. David McCarthy Mr. John Igneri
Mayor Richard A. Moccia; Attorney Robert Maslan, Corporation Counsel;
Ms. Erin Herring, City Clerk. Fifteen members present. Absent: none

II. ACCEPTANCE OF MINUTES - Regular meeting – September 24, 2013

Ms. Duleep requested a correction to page 2, paragraph 3, change National Anti-Bullying week to World-Wide Suicide Prevention Day.

**** MR. MCCARTHY MOVED TO APPROVE THE MINUTES FROM THE MEETING OF SEPTEMBER 24, 2013 SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Mayor Moccia stated the rules for public comment and asked those that had signed up to speak to state their name, affiliation and to keep comments civil in nature with no personal attacks and to be related to the agenda to a limit of three minutes.

Public Comments represent summarizations of comments made, unless otherwise noted.

1. Irene Dixon, 25 Park Hill, spoke on behalf of the Visitor's Beareau in support of the The Maritime Aquarium and stated that it is the second largest attraction in the state that draws up to 500,000 visitors annually. She urged the Council to help keep visitors alive in Norwalk and to renew the lease as proposed.

Public Comments – continued

2. Emil Albanese, 35 Bettswood Place, Norwalk stated that he was Norwalk Symphony Orchestra president and Board member of the Maritime Association. He stated that he was the father of a six-year old and he was speaking as a parent and a local person that believes this institution is good for us. He added that the Aquarium not only is an economic anchor in that area of South Norwalk, but beyond that it's a place that's great for families, and he shared that he purchased a parrot in response to the number of visits with his son. He stated that the Maritime Aquarium is an education engine and resource for the city tourism efforts and it deserves the support of the council to approve the lease as proposed.
3. Bob Wagman, 36 Morehouse Lane, stated that he is a 20 year volunteer at the Aquarium, has a Masters in Marine Science and he spoke about the excitement when students touch a horseshoe crab. He added that he taught Biology in public schools and he is able to draw on his background to add elements of biology into the aquarium programs and shared how this has been able to impact the daily visitors. He added that many lives have been touched and the aquarium is a great educational resource. He highlighted that through training courses there is a tremendous impact on economic and commercial emphasis on the City and it is to the best interests of the Council to improve the agreement for the Aquarium.
4. Jennifer E. Herring, 16 Ann Street, Maritime Aquarium President and CEO, passed around an article in the Hour and letter to the editor about the programs and the positive aspects that keep Norwalk alive. She told council members that the Aquarium is happy to partner with Norwalk schools and programs serve to help close the achievement gap. She described the Aquarium as an anchor of the community, stewards of Long Island Sound that all started 20 years ago with the support of the Council. She pointed out that nearly two-dozen people gave up their evening to come and show their support for the lease extension and to let the public know what an important institution this is to Norwalk. She asked those in attendance to stand and they were acknowledged with applause.
5. Kip Ford, 4 Brown Place, stated he was born and raised in Norwalk and he remembers the fear of SONO and the undesirable neighborhood. He urged the Council to support the lease renewal and that it is owed to them to keep the foundation of the community and how this institution has lifted up the image of the City and really put it on the map for Fairfield County. He added that they owe it to them to keep the Aquarium alive and well and even to subsidize it if needed.
6. Donna King, 71 Aiken Street, Norwalk stated that she is currently Chair of the Maritime Authority, she read the mission and spoke about the precious resource this is of the Long Island Sound. She spoke about how Norwalk has been enriched for its existence and she strongly recommends approval of the lease extension.
7. David Westmoreland, 50 Elmwood Avenue, stated that he strongly supports the reappointment of Diane Beltz-Jacobsen as Assistant Corporation Counsel.

Public Comments – continued

Mr. Westmoreland spoke in support of the Maritime Aquarium lease extension, and he explained how Norwalk was lucky in having the Aquarium, normally an institution of that size you'd find in a city of at least 200,000. He then spoke about Norwalk's Mill Hill, as seen from Smith Street and stated that he is very disturbed at both the contents of the proposed agreement to give away the publicly owned land that is contained in this agreement as well as the way with which it is being handled to bring through the council without full disclosure to the Planning Committee members, the Historical Commission, the DPW and the tax assessor's office in terms of the commitments and potential cost to city taxpayers. He further explained that the city would be giving away Mill Hill historic parkland while the agreement does not take into consideration that the parkland is used on weekends, and the city's charter mandate that the Historical Commission be consulted had been ignored. He described that we've given away the southern end of Crescent Street, Liberty Street and Putnam Avenue with no strings attached and what do we have but a big empty hole in the ground with no plans for development. He asked the Council to send the items back to committee.

8. Ganga Duleep, 3 Briarwood Place, spoke about 20 Day Street and asked that asked stated before, what was told to be co-applicant and there are concerns over flooding that have not been addressed. She asked them to not give up that land and create another 95-7 with lawyers moving forward with what we agreed to and what is given up is way more.
9. Jim DelGreco, Elmwood Avenue asked to please support and preserve Smith Street, and he wanted to echo many of the comments made by the Historical Commission. Keep Norwalk Beautiful coordinator Jim DelGreco also spoke against the option, and argued that while development and progress are important, but not to the detriment of our environmental treasures. Just as the Maritime Center anchors South Norwalk, Mill Hill anchors the head of the harbor. We should not weaken historic Mill Hill treasure by giving away our resources and explained that the city would be giving away Mill Hill historic and the city's charter mandate that the Historical Commission be consulted had been ignored. He added that we need to support the Maritime Aquarium and asked the Council to do the right thing.
10. Mr. Todd Bryant, 23 Morgan Avenue spoke on supporting the Oak Hills resolution to protect section of park land and thanked them for all they do for the City. He spoke on the Mill Hill issue and that the CT environmental policy act section 106 is part of an act of 1966 that any property that affects the national registry affects the integrity of the Historical community. He added that as President of the Norwalk Preservation Trust the Mill Hill property is in the National Historic Register, and any alteration of it would have to be reviewed by the state. He spoke in support of Oysterman's Rowayton Historical District and that it is a simple way to do a lot for the history for the City.
11. Gail Wall, 119 Partrick Avenue thanked all the Common Council for what they do and stated that with regards to Mill Hill, 100 years ago described the 2002 historic home and shred the story of the Mill Hill legacy that held the group together and enlivened the Little Red Schoolhouse and other groups that included a small group of Octa-generarions to grown and revive the membership for the community and how the third grades of the City are served with the preservation trust agreement. She described what was done through the back door and this is without coming to the commission and is appalling and she asked to follow the right process.

Public Comments – continued

12. Mike Mushak, 50 Elmwood Avenue, Norwalk stated that he wanted to echo many of the comments made earlier and spoke on the economic impact of tourism that the Maritime Aquarium has and that the Council needs to support the lease extension without questions. He added that he also wanted to echo many of the comments made about the Mill Hill and the Historic Commission and he quoted tourism statistics as well as jobs in CT base on the Cultural and Heritage Tourism fact that this is the fastest growing segment. He added that the Mill Hill is a centerpiece and this treasure should be preserved and promoted not given away part of Smith Street as it is part of the Master Plan and this should be followed. He concurred that this should be sent back to Committee.
13. Patsy Breshnia, 40 Woodbine Street spoke about the heritage night at Lockwood Mathews Mansion and the Land Use Item 4B to fix the leaks in the roof. She said there is confusion on the intent and the second phase of the mechanical upgrades are needed that this has been made possible through fundraising efforts. She added that the hundreds of thousands for restoration are much needs and have been raised through grants and gifts and she asked the Council to endorse these efforts through their approval of the items on the agenda.
14. Paxton Kinole, stated that he was from Waypoint and Bellpointe Capital, funder of the Waypointe project, and told the council that his company would be willing to help fund the extension. He added that they want to be a catalyst and are willing to put up \$ and funds. He added that in his business he comes across many business associates that say how the Maritime Aquarium has put Norwalk on the map and it is a critical property to Fairfield County.
15. Diane Lauricella, Blue Mountain Road said she wanted to speak about items D3 Day Street, D4, Smith Street and D5 Academy Street and asked all of these to be sent back to committee. She spoke about the support of DiScala and to build an asset for harmony for the area, but it needs to be reviewed and discussed and send back for further review. She spoke about the presentation in process and cannot see the conservation efforts that lead the way in an effort to protect and preserve open space for future generations. She stated that this plan for conservation and development list of private and open spaces and that the process has not been followed. She gave a shout out for the Maritime Aquarium and read line by line of the Lease agreement and this unique asset should be supported.
16. Mr. Al Raymond 79 Truman Street spoke about Academy Street and this time he is against what will happen if this is open where all traffic will go through a neighborhood. He added that it is a good project but more traffic on Wall Street and West Avenue hurts the neighborhood. He added that also there was no public hearing and people should have a voice.
17. Ron Dickens, 9 Town Street stated he was all for the Aquarium as it is an anchor for the City and he wanted to echo the comments made earlier. He stated that pollution education is work the price of admission and he shared how the public is not aware of the damage done to the sound by allowing a plastic garbage bag to go into the trash.

Mayor Moccia asked if there were others who wished to make comments, and hearing none closed the Public Participation portion of the meeting at 8:30 p.m.

MAYOR COMMENTS:

Mayor Moccia offered his condolences to Thomas Hamilton in the Finance Department for the passing of his partner.

Mayor Moccia offered his congratulations to former Mayor William Collins for his induction on the Norwalk High School's Wall of Honor.

He stated that he understands the concerns of the citizens addressed there tonight and that it can be hard to accept changes and he said he could understand the concerns about Mill Hill and we've made tremendous improvement to Mill Hill and the historic society working with the Historical Commission has certainly advanced the culture and the history of this city. He added that Development and progress can be difficult to achieve, he said, making it important to talk to the developers and with some reassessment of the situation, continued dialogue, we know that eventually Mr. DiScala wants to develop Head of the Harbor, but I think we need more discussion on it.

Mayor Moccia mentioned the St. Ann's Club celebration being held on Columbus Day.

REAPPOINTMENTS:

Diane Beltz-Jacobson, Assistant Corporation Counsel

- ** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF DIANE BELTZ JACOBSEN AS ASSISTANT CORPORATION COUNSEL WITH A TERM TO EXPIRE 10/31/15.**
- ** THE MOTION PASSED UNANIMOUSLY**

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Mr. Hempstead offered his deepest sympathy to Thomas Hamilton and his prayers of healing.

Mr. Hempstead stated that he did not think there was every any doubt about the Maritime's lease, and was anticipating the approval. He stated that tonight is a great moment for us to extend this lease out, change it to make it whole over there, because it is truly a wonderful asset to the city of Norwalk.

He thanked the Historical Society for hosting the Council for their celebration, and stated that 100 years ago on October 8, 1913, the meeting of the Common Council and Norwalk became one community with East and South Norwalk. He added that the minutes speak words of wisdom and he referred to the Maritime Aquarium acquisition back in 1984 as an example of Counsel wisdom and foresight.

CONSENT CALENDAR

- ** MR. HEMPSTEAD MOVED THE CONSENT CALENDAR AS FOLLOWS:
VII.A.1, VII.A.2, VII.A.3, VII.A.4, VII.B1.a, VII.B1.b, VII.B.2, VII.C.1, VII.C.2, VII.C3a,
VII.C3b, VII.C4a, VII.C4b, VII.C.6a, VII.C.6b, VII.D.2,
** MOTION PASSED UNANIMOUSLY.**

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

- 1. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Badge Quest, to conduct the Police promotional testing for rank of Detective, for a sum not to exceed \$10,000 from Account #013040-5258**
- 2. Authorize the Purchasing Agent to execute a purchase order, on behalf of the Norwalk Police Department, to MHQ, the low bidder, for the purchase of three 2014 Ford Utility Police Interceptors, for the amount not to exceed \$80,000. Account # 013053-5371**
- 3. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut, Department of Transportation, under the Highway Safety Project, FY 2014 Comprehensive DUI Enforcement Program. The program will be funded with 75% grant funds of \$72,975.00, account to be determined, and 25% City funds of \$24,325.00 to be taken out of Police overtime or asset forfeiture funds.**
- 4. Authorize the Police Chief, Thomas E. Kulhawik, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement the FY 2014 Comprehensive DUI Enforcement Program, pursuant to such grant funding.**

B. PUBLIC WORKS COMMITTEE

- 1.a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Structural Contracting Services, Inc. for Project DPW 2013-1 Norwalk Transfer Station Wall and Concrete Repairs for a sum not to exceed \$72,000.00.**
- 1.b. Authorize the Director of Public Works to issue Orders on Contract to Structural Contracting Services, Inc. for Project DPW 2013-1 Norwalk Transfer Station Wall and Concrete Repairs for a sum not to exceed \$7,200.00. Account No.0914 4031 5777 C0515**
- 2. Authorize the Director of Public Works to install historic "Oysterman's Row" signs on the street sign poles at nine intersections as requested by the Rowayton Historical Society.**

CONSENT CALENDAR--continued

C. LAND USE & BUILDING MANAGEMENT COMMITTEE

- 1. Authorize the Mayor, Richard A. Moccia, acting together with the Maritime Aquarium at Norwalk Authority, collectively as landlord, to execute an Amended and Restated Lease Agreement with the Maritime Aquarium at Norwalk, Inc., for the North Water Street Property comprising the Maritime Aquarium. The terms and conditions of the Agreement shall be subject to approval by the Norwalk Corporation Counsel.**

- 2. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with ePlus Technology, Inc. for the supply and installation of Wireless Local Area Network (WLAN) for 19 school buildings as follows: Phase I – K-8 for a total not to exceed \$869,357.15
Acct. #09135010 5777 C0112 - \$479,752.00
Acct. #09145010 5777 C0112 - \$389,605.15
Phase II – High Schools for a total not to exceed \$587,555.55
Acct. #09145010 5777 C0112 - \$110,394.85
Acct. # 09145010 5777 C0538 (Common Core) - \$300,000.00
WiFi Project Carry Over (Acct. #To be Determined) - \$177,160.70**

- 3a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Better Homes Bureau LLC for the Bell Tower Restoration Project at Mill Hill for a total not to exceed \$17,786.13. Acct. #09146310 5777 C0374.**
- 3b. Authorize the Historical Commission to issue Change Order on Contract for a total not to exceed \$5,000**

- 4a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Domus Contractors LLC for the Roof Leak Repair project at Lockwood Mathews Mansion for a total not to exceed \$99,000.00. Account #09136310 5777 C186.**
- 4b. Authorize the Historical Commission to issue Change Orders on Contract for a total not to exceed \$10,000.00.**

- 6a. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to A.P. Construction Company's agreement for the implementation of the Naramake School Improvement Project, to incorporate a Guaranteed Maximum Price (GMP) in the amount of \$3,851,979.00. Account #'s 09045010 5777 C0321 & Special Appropriation for State share – acct. # to be determined.**
- 6b. Authorize the NFCC to issue change orders on contract for a total not to exceed \$203,598.00.**

CONSENT CALENDAR--continued

D. PLANNING COMMITTEE

**Approve Minutes of the Regular Meeting of the Planning Committee of September 5, 2013.
*On consent to remove from the agenda.***

2. Authorize advancement of CAPER for 30-day public comment.

**3. Approve the Norwalk Housing Authority requested modification of the Option to Purchase Agreement for 13 and 20 Day Street.
*On consent to send back to Committee.***

**4. Approve the recommended terms regarding the intended Smith Street Option Agreement by and between the City of Norwalk and M. F. DiScala and Company and condition such approval upon the Common Council's approval of the final Option Agreement containing the referenced terms to be advanced by Corporation Counsel.
*On consent to send back to Committee.***

LAND USE AND BUILDING MANAGEMENT

5. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Peterson Engineering Group, LLC to prepare an integrated HVAC and energy assessment of City Hall, for a total amount not to exceed \$49,250.00. Acct. #09107100 5777 C0119

Mr. Bondi moved the item for discussion

Mr. Hempstead recused himself due to a conflict and left the Chambers at 9:10 p.m.

**** MR. BONDI MOVED AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH PETERSON ENGINEERING GROUP, LLC TO PREPARE AN INTEGRATED HVAC AND ENERGY ASSESSMENT OF CITY HALL, FOR A TOTAL AMOUNT NOT TO EXCEED \$49,250.00. ACCT. #09107100 5777 C0119
** MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Hempstead returned to the meeting at 9:11 p.m.

PLANNING COMMITTEE:

5. Adoption of Academy Street Extension Resolution.

Mr. Miklave asked for a point of order and stated that there was a procedural mistake, as the agenda had not been followed. He asked for the resolution and Mr. Hempstead read it from the supporting documents.

Mr. Kydes moved the item for discussion then spoke about the problems with items being vetted through Committee. Mayor Moccia asked Mr. Kydes to hold his comments to the end of the agenda and to speak only to the item for discussion.

Mr. Miklave voiced his concerns about the city's budget, and stated that we're not talking about the emails we get from residents that live in one of the 21 neighborhoods that live in our community that face constant flooding, with some of these neighborhoods flood with raw sewage in heavy rains. He explained that we can't afford to spend \$3 million to subsidize a developer, and we never have a discussion about priorities before this council. He added that we just spend money like it's going out of style and we don't make hard choices because when you get a room full of people saying we want this, and the politically popular thing to do is to say yes.

Mr. Kimmel stated that the item at hand is spending \$200,000 on a study of the proposed Academy Street extension and not \$3 million. He said council members did not know yet how much the project would cost or what the developer would kick in, and that the amount of \$3 million is not what we are voting on. He said initiating the process would make the city more attractive to developers in the future and would allow for negotiating better deals. He added that with financial investments, we should remember we do not have communities flooded on a weekly basis, we have one street, one house, where there's a problem that's being addressed. He stated that we've spent this year \$2.5 million for flood mitigation and well planned and budgeted amounts of money the city has spent for road paving.

Mr. Hempstead said every year there are more requests for capital expenditures than the council has money to spend, and flooding issues had been worked on. He added that twenty-five years ago people said don't spend money on the Maritime Aquarium, but look what that has done. He added that it's important to send a message that we're trying to look a little bit forward, down the road when development comes. He added that it's important that we're supporting a vision of what can be versus what can't be.

Mr. Geake said the expenditure was laying ground work and if we don't need it, we don't need it, but to not be prepared in case, with all of this development going on, we find that we just plain need more capacity on our streets.

Mr. Kydes spoke of the transparency of his Planning Committee and that we have been very very frugal with the city's funds, and adoption of the Academy Street extension is not giving any developer a free ride, as has been implied.

Ms. Duleep said she was not comfortable with subsidizing of private developers, it depends on the project, sometimes it's worth it, and sometimes it's not. She added that the proposed Academy Street extension would allow pedestrians and cyclists to get from the Lockwood Mathews Mansion area to Wall Street without using a West Avenue that is just going to get busier.

**** MR KYDES MOVED TO APPROVE AND AUTHORIZE THE ADOPTION OF THE ACADEMY STREET RESOLUTION.**
**** MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, TWO OPPOSED (DULEEP, MIKLAVE) AND NO ABSTENTIONS.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

Ms. Maggio requested a five minute recess prior to the item on the Oak Hills Resolution. The meeting was recessed at 9:30 and returned back into public session at 9:40 p.m.

Mayor Moccia stated that the remaining item was a resolution and asked for efforts to not go back and forth and to say focused on the item.

Resolution in Support of Designating the Woodlands of Oak Hills Park as Open Space to be Preserved, Conserved, and Protected from Development in Perpetuity

Ms. Duleep read the resolution as follows:

WHEREAS, Oak Hills Park Authority was created by the Common Council in 1997 for the purpose of acquiring, constructing, operating, maintaining, and managing Norwalk's Oak Hills Park, in accordance with Sections 7-130a-w of the Connecticut General Statutes; and

Resolution – continued

WHEREAS, the City of Norwalk accepted money from the Land and Water Conservation Fund and other sources for the purpose of acquiring land now known as Oak Hills Park; and

WHEREAS, Section 6(f)(3) of the Federal Land and Water Conservation Act includes an “anti-conversion” requirement to protect grant-assisted lands from development; and

WHEREAS, during his tenure as Oak Hills Park Authority Chairman, Robert J. Virgulak wrote a letter to the editor, entitled, “Oak Hills does not receive dollar one from the city,” which was published by The Hour on December 19, 2012; and

WHEREAS, Mr. Virgulak, in his capacity as Oak Hills Park Authority Chairman, wrote, “Oak Hills was never intended to actually be a park...As I was told, the park designation was needed to secure federal and state funds for the construction”; and

WHEREAS, in accordance with Section 7-130r of the Connecticut General Statutes (Financial aid by municipality), the Oak Hills Park Authority has, from time to time, sought loans and other financial assistance from the City of Norwalk; and

WHEREAS, on February 26, 2013 the Norwalk Common Council voted to approve the following item: “RESOLVED, that a sum not to exceed \$150,000 be and the same is hereby transferred from Contingency to the Oak Hills Park Authority to cover operating expenses”; and

WHEREAS, at its July 15, 2013 meeting, the Norwalk League of Women Voters Steering Committee voted “to oppose the destruction of the 7 to 10 acres of city-owned pristine woodlands inside Oak Hills Park east of the Oak Hills restaurant parking lot”; and

WHEREAS, at its August 15, 2013 meeting, Oak Hills Park Authority voted unanimously to pursue further negotiations with Total Driving Range Solutions to build a driving range on a part of Oak Hills Park other than those 7 to 10 acres of pristine woodlands near the restaurant; and

WHEREAS, at least 230 people so far have signed a petition, entitled, "Protect Oak Hills Woodlands as Permanent Open Space," which states, "While we applaud Oak Hills Park Authority's decision not to destroy the woodlands at this time, we don't want to have to fight this fight again. Therefore we call upon Norwalk's Mayor, Common Council, Oak Hills Park Authority, and other governing bodies to designate the woodlands in Oak Hills Park as permanent open space, to be preserved, conserved, and protected from development in perpetuity."

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we take very seriously any obligations incurred by the City and Oak Hills Park Authority as a condition of accepting money from the Land and Water Conservation Fund and other sources for the purpose of acquiring land to form Oak Hills Park; and

Resolution – continued

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we affirm that Oak Hills Park was created to be a public park, whose amenities include, but are not limited to, its golf course; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we encourage Oak Hills Park Authority, the Conservation Commission, and future members of the Norwalk Common Council to take appropriate steps to ensure the 7 to 10 acres of pristine woodlands located near the restaurant parking lot inside Oak Hills Park be declared protected open space in perpetuity.

Ms. Duleep stated that the Oak Hills Park Authority had been considering allowing a private vendor to build a driving range in those woodlands, behind the restaurant. The authority chose instead on Aug. 15 to pursue a proposal from Total Driving Range Solutions to construct a range behind the cart barn. She further explained that The Friends of the Park have about 230 signatures on a petition advocating making the woods open space, according to Duleep's resolution.

The petition states, while we applaud Oak Hills Park Authority's decision not to destroy the woodlands at this time, we don't want to have to fight this fight again. Therefore we call upon Norwalk's Mayor, Common Council, Oak Hills Park Authority, and other governing bodies to designate the woodlands in Oak Hills Park as permanent open space, to be preserved, conserved, and protected from development in perpetuity.

Mr. Bondi stated that this is a golf course, and anybody who goes there and walks is at the danger of being hit by a golf ball.

Mr. Hempstead stated that while this has merit, he feels that it should follow the process of being vetted through Committee with due process and procedure.

Ms. Duleep further explained that the resolution encouraged OHPA, the city's Conservation Commission and future members of the Common Council to take appropriate steps to ensure the 7 to 10 acres of pristine woodlands located near the restaurant parking lot inside Oak Hills Park be declared protected open space in perpetuity.

Ms. Duleep rejected calls by some council members that the resolution first should have gone through council committee, rather than being presented directly, as avoiding taking a position. We had a petition signed by over 230 people, calling upon the mayor, calling upon the Norwalk Common Council and calling upon others in the city to take some action. She added that is all that I am asking you for tonight: It's to have the courage of your convictions if you oppose it.

Mr. Watts spoke in support of the resolution but asked that paragraphs 4-5 be removed and explained this rationale. He stated that there should be a compromise that those that want to visit can walk through and West Norwalk residents being asked to travel to Cranbury park to walk is ridiculous and it sends the wrong message to West Norwalk.

Mr. Kimmel stated that he agrees with Mr. Hempstead that the process should be followed the same as the prisoner release resolution and it needs to be vetted through committee. He added that if the resolution passes will more people use the park and we should be careful not to box in another committee or authority's jurisdiction.

Mr. Kydes stated that he agrees with Mr. Bondi that the City is liable for hazardous conditions that the public is placed in and if they are put in harms way.

Ms. Duleep stated that the Council has the right to initiate a resolution and the purpose is to state a position. She added that the elephant in the room is the driving range which is too expensive and too massive of a project to clear the wood lands and she appreciates the Council's right to have the courage of their conviction.

Mr. Hilliard stated that while there are merits of the resolution it is better served to be directed to the committee and to follow the process.

**** MR. WATTS MOVED FOR AN AMENDMENT TO THE RESOLUTION TO REMOVE PARAGRAPHS 4-5.**

**** THE AMENDMENT WAS APPROVED UNANIMOUSLY.**

**** MS. DULEEP MOVED TO ADOPT THE RESOLUTION AS AMENDED.**

**** THE MOTION FAILED WITH FIVE VOTES IN FAVOR, (DULEEP, WATTS, IGNERI, MIKLAVE, PENA) TEN OPPOSED (GEAKE, HILLIARD, KIMMEL, BONDI, HEMPSTEAD, MAGGIO, MANN, KYDES, PETRINI, MCCARTHY) AND NO ABSTENTIONS.**

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**OCTOBER 8, 2013
REGULAR MEETING MINUTES**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES - none

XI. ADJOURNMENT

**** MR. MCCARTHY MOVED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services