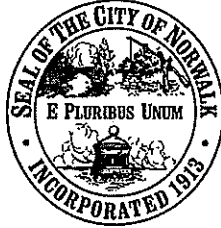


CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750

FAX: (203) 854-7901

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

January 17, 2017
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. **ROLL CALL**
2. **PUBLIC HEARING (possible action on):**
3. **PUBLIC HEARING DISCUSSION**
4. **PUBLIC COMMENT**
5. **ACCEPTANCE OF MINUTES:** **November 15, 2016**
6. **OLD BUSINESS (possible action on):** **Parking Authority**
Indemnification
Arts Commission
Extra Police Work
7. **NEW BUSINESS: (possible action on):** **Senior Tax Relief**
8. **ADJOURNMENT**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
NOVEMBER 15, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello; Bruce Kimmel;
Thomas Livingston; Shannon O' Toole Giandurco

STAFF: Brian McCann, Corporation Counsel

OTHERS: Susan Wallerstein, Arts Commission; David Orr; President,
Norwalk Police Union

ROLL CALL

Ms. Melendez called the meeting to order at 7:04 p.m. and called the Roll. A quorum was present.

PUBLIC HEARING

There was no public hearing held this evening.

PUBLIC HEARING DISCUSSION

There was no discussion held this evening.

PUBLIC COMMENT

There were no members of the public present this evening who wished to speak.

ACCEPTANCE OF MINUTES

October 18, 2016

The following corrections were made to the minutes:

Page 1: add Ms. O'Toole Giandurco to attendance

Page 1: delete "a Maritime Aquarium employee"

**** MS. O'TOOLE GIANDURCO MOVED TO ACCEPT THE MINUTES AS
CORRECTED**

**** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Arts Commission

Ms. Wallerstein read a statement addressing questions that were asked at the last meeting. She also addressed several areas in the proposed Ordinance. She noted that the Arts Commission follows FOI laws and ethics rules. Attorney McCann noted that once they become a City of Norwalk commission, any new policies will have to go before the Common Council for their review and approval.

Mr. Livingston asked if their proposal for the Executive Director to work not more than 19 hours a week is standard. Attorney McCann said that it is not standard, but they may run into a situation where the employee would want benefits. This is consistent in the City's approach. Ms. Wallerstein asked how it would work if they used a consultant. He said that they would not be an employee. Mr. Livingston said that there is nothing that says they can't hire a full time employee; this only addresses the Executive Director. Mr. Kimmel noted that once they are part of the City's budgeting process, they will have to follow the City's process.

Mr. Corsello asked Ms. Wallerstein if she envisions this Commission being an additional cost to the City. She said that this Commission provides a valuable function that needs to be performed and there will potentially be revenue sources.

Ms. Melendez said that she did not know how she feels about two members of the Common Council counting toward the quorum. Mr. Kimmel noted that quorums are generally not an issue for these commissions. He added that Common Council members are counted as part of the quorum on other commissions.

**** MR. KIMMEL MOVED TO SEND THE PROPOSED ARTS
COMMISSION ORDINANCE TO THE FULL COMMON COUNCIL
** MOTION PASSED UNANIMOUSLY**

Extra Police Work

Norwalk Police Sgt. David Orr said that two weeks ago, he met with Mayor Rilling, representatives from Public Works and the Finance departments to try and get on the same page about neutralizing costs. He said that the paving projects in the City are what brought him here last February. At the end of the meeting two weeks ago, they agreed on language that would make this cost neutral.

Attorney McCann said that he was reluctant to send the revised Ordinance because it was the result of a negation with another entity. Ms. O'Toole Giandurco said that the meeting should have been held with this Committee and that she would have liked to have this presented. Ms. O' Toole Giandurco said that she is not happy.

Mr. Livingston said that he is struggling with this. It started out as a way to address safety, but that could be done by the Public Works Director talking to the Police Chief. He said that he is not happy with the cost and it makes work in the City more expensive.

Mr. Kimmel said that it seems that they get a question answered, and then it goes in another direction. He said that the Finance Department said for several years that this is cost neutral. Mr. Kimmel said that he feels that safety is paramount and if the City wants safety, they will have to pay. This is not a cost to the taxpayers.

Mr. Corsello agreed that safety is important; it is ok if it is \$50,000, but he said that he has heard other figures. He said that he is being asked to vote on an Ordinance he never saw before. Attorney McCann said that it is somewhere between zero dollars and \$50,000.

Sgt. Orr said that for \$50,000 the City will get 30 – 60 Police Officers on the street daily. He said that his intentions are rooted in public safety. He said that the Police Officers have to answer to problems at sites with Flagmen, but they have no authority.

Mr. Corsello suggested that if this does go to the Common Council that a document be provided showing Police response calls.

Ms. Melendez asked what language was voted on and if they accepted that language in their meeting with the Mayor.

The Committee members reviewed the proposed language.

**** MR. KIMMEL MOVED THE PROPOSED EXTRA POLICE WORK
ORDINANCE TO THE FULL COMMON COUNCIL
** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR.
LIVINGSTON)**

Mr. Corsello said that he voted in favor of this based on the understanding that this Ordinance will be close to cost neutral.

Mr. Kimmel said that the Committee could re-visit this Ordinance next year to see if it is cost neutral.

Parking Authority

- ** MS. MELENDEZ MOVED TO TABLE THIS ITEM TO THE NEXT MEETING**
**** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

Oak Hills Park Authority – Indemnification

Attorney McCann said that the State Ordinance required all board, commissions and committees to be indemnified. Ms. O'Toole Giandureo asked making the Ordinance more generic and not specific to certain entities. Attorney McCann said that he will update the Ordinance.

ADJOURNMENT

- ** MR. LIVINGSTON MOVED TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:31 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Parking Authority
(Norwalk City Code Ch. 73A)

§ 73A-1 Creation; powers and duties.

There is hereby created, in accordance with the provisions of Chapter **100**, Sections 7-202 to 7-212a of the Connecticut General Statutes, as amended (the "Chapter"), an authority known as the "Norwalk Parking Authority." The Norwalk Parking Authority (the "Authority") shall have all the powers and perform all the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the Chapter, as it shall be amended from time to time, subject to the provisions of this ordinance.

§ 73A-2 Responsibility for parking facilities.

A.

The Authority shall have all of the powers and perform all of the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the chapter with respect to all City parking facilities. For purposes of this chapter, "City parking facilities" shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to the general public with or without charge, and off-street and on-street parking meters owned by the City wherever located, including, without limitation, parking facilities and parking meters constructed subsequent to the effective date of this chapter, additions to or replacements of existing parking facilities and parking meters and parking facilities and parking meters within mixed-use facilities, including the property comprising the South Norwalk, East Norwalk and the Merritt 7 Railroad Stations and their related parking facilities, subject to relevant agreements with the State of Connecticut. The areas included within the definition of this term are all buildings and improvements and all means of ingress and egress used to access and travel about within the railroad station facilities. Excluded from this definition is the property comprising the Rowayton Rail Station which is subject to an agreement with the State of Connecticut and any property now or hereafter located within the Waypointe Special Services District, unless otherwise provided for by a separate agreement by and between the City and the Parking Authority.

[Amended 1-13-2004; 3-24-2009]

B.

The Authority is hereby granted all net revenues earned from City parking facilities on and after July 1, 2002, including, but not limited to, revenues from the lease, license or other use of any portion of City parking facilities directly related to the parking of motor vehicles, revenues from parking meters and parking permits collected on or after July 1, 2002, and revenues from parking fines and penalties levied on or after July 1, 2002, plus any interest thereon. Excluded from this provision are all revenues (including net revenue) generated from any parking facilities, parking meters and parking pay stations owned by the City located within the Waypointe Special Services District. For purposes of this chapter, "net revenues" shall mean revenues less any and all related expenses incurred in generating such revenues, including, but not limited to, contractual and other obligations of the City charged to the Authority, such as the cost of collecting and enforcing parking fines and penalties and an allocable share of expenses of City departments and City personnel providing services to the Authority. Net revenues shall be used by the Authority for any of its corporate purposes pursuant to the chapter, including, but not limited to, the acquisition, construction, expansion, improvement and equipping of City parking facilities, the operation and maintenance of City parking facilities, the establishment of capital

and operating reserves and the payment of debt services on bonds issued by the City or the Authority pursuant to the provisions of the chapter.
[Amended 11-12-2002; 3-24-2009]

C.

The Authority shall assume all existing obligations of the City in connection with City parking facilities as of July 1, 2002, and any obligations which accrue on or after July 1, 2002, which arise from City parking facilities. Nothing contained in this chapter shall be deemed to transfer any existing fee ownership interest of the City in any City parking facility, including the underlying land, air rights above or any easements through City parking facilities, to the Authority, and provided further, that control over parking meters within the City, including, but not limited to, the type, location, number and servicing thereof, shall be subject to the approval of the traffic authority of the City.
[Amended 11-12-2002]

§ 73A-3 Members; terms, vacancies; residency.

A.

The Authority shall consist of five members to be appointed by the Mayor and confirmed by the Common Council, not more than three of whom shall be of the same political party.

B.

Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. The Mayor and the Director of the Department of Public Works, or their designee, shall serve as ex officio, nonvoting members of the Authority.

C.

No person shall be appointed or reappointed to the Authority unless a resident of the City.

§ 73A-4 Compensation of members.

The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses.

§ 73A-5 Organization; officers and employees.

A.

The Authority shall organize and operate in conformity with the provisions of Section 7-203 of the chapter.

B.

The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also employ an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation and benefits as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes of the Authority.

C.

The Authority or its Executive Director, as directed by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purpose of the Authority. The selection, appointment, assignment of duties, compensation, benefits,

termination, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority. The Executive Director and other employees of the Authority shall not be considered employees of the City.

D.

The Authority or its Executive Director as directed by the Authority, shall have the sole right to select, direct and control such technical consultants, accountants, parking operators and other contractors as it deems necessary to carry out the purpose of the Authority. The selection, scope of services, compensation, termination and other terms and conditions of such contacts shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.

E.

The Authority or its Executive Director, as directed by the Authority, may enter into agreements with the City to provide the Authority with various services to support the Authority.
[Amended 11-12-2002]

§ 73A-6 Annual budget and reports.

A.

On or before November 15th of each year, the Executive Director of the Authority shall submit to the Authority a recommended annual budget for the Authority for the next succeeding fiscal year commencing July 1st and ending June 30th. The Authority shall adopt a proposed budget on or before December 15th of each year and submit the proposed budget to the Director of Finance on or before December 31st of each year, or on or before such other dates as departments of the City shall be required to submit budgets. The Authority's budget shall be submitted to the Board of Estimate and Taxation and the Common Council for consideration and adoption in the manner and on the same schedule as departments of the City.
[Amended 11-12-2002]

B. Parking fee increases shall be submitted by the Executive Director of the Authority to the Board of Estimate and Taxation and the Finance/Claims Committee of the Common Council for their consideration and approval. Proposed increases shall be submitted no later than October 1st in order to be considered for the succeeding fiscal year.

C.

The Authority shall contract for an annual independent audit and shall submit a copy thereof to the Mayor, the Board of Estimate and Taxation and the Common Council on or before the date of submission of the City's audit for the same period.

§ 73A-7 Meetings.

A.

The Authority shall annually adopt a schedule of its regular meetings and file that schedule with the City Clerk. The Authority may hold special meetings on the call of the Chairman or any two members upon giving notice thereof to all members of the Authority at least 24 hours in advance of such meeting.

B.

All meetings of the Authority shall be held in compliance with the applicable provisions of the Connecticut Freedom of Information Act, as amended.

[Amended 11-12-2002]

§ 73A-8 Term of Authority.

The Authority shall continue to exist until abolished by subsequent ordinance of the Common Council, which shall not be earlier than the repayment of all obligations of the Authority, including without limitation, the retirement of all outstanding indebtedness of the Authority, or the assumption of such obligations by the City.

§ 73A-9 When effective.

This chapter shall take effect upon its adoption by the Common Council.

Connecticut General Statutes Annotated Title 7. Municipalities Chapter 100. Municipal Parking Authorities

C.G.S.A. § 7-203

§ 7-203. Creation of parking authorities

Currentness

Any municipality may provide parking facilities and may, by ordinance, create a parking authority or designate a parking division for the purposes of creating and establishing off-street parking facilities. A parking authority created under the provisions of this section shall consist of five members, appointed by the chief executive officer of the municipality, not more than three of whom shall be of the same political party. Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed annually to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. Such authority shall select from among its members a chairman and may employ necessary personnel. The members of the authority shall serve without compensation but may be reimbursed for necessary expenses. No action of such authority shall be valid unless authorized by a vote of the majority of its members. Such authority shall maintain proper accounting and financial records and shall make an annual report to the chief executive officer of the municipality.

Credits

(1953 Supp. § 224c; 1955, Supp. § 281d; 1957, P.A. 13, § 27.)

Notes of Decisions (4)

C. G. S. A. § 7-203, CT ST § 7-203

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

Connecticut General Statutes Annotated Title 7. Municipalities Chapter 100. Municipal Parking Authorities

C.G.S.A. § 7-204

§ 7-204. Powers of parking authority

Currentness

Such parking authority or parking division shall have the power, in the name of the municipality, to (1) create, establish, and expand wherever built by such municipality, off-street parking facilities; (2) acquire by purchase, gift, devise, lease or condemnation, subject to the provisions of section 48-6, real property or any interest therein necessary for or incidental to the construction, maintenance, operation, or expansion of off-street parking facilities, provided such authority shall not be empowered to take by eminent domain any property from a corporation which has the right of eminent domain, and this chapter shall not affect the powers of eminent domain of any such corporation; prepare necessary plans and drawings; (3) construct or cause to be constructed parking facilities; (4) maintain and operate parking facilities; (5) establish and collect reasonable off-street parking fees; (6) give, grant or sell any real property owned by such parking authority to the municipality; dedicate any real property owned by such parking authority to the public purposes for a street or highway; (7) lease parking facilities or such expanded parking facilities as may be provided, and already subject to lease, to any public agency, individual, firm, corporation or hospital, as defined by subsection (b) of section 19a-490, upon such terms and conditions as the public interest may warrant; and (8) enforce parking regulations in a municipality that has adopted an ordinance under section 7-204a in accordance with the terms of such ordinance.

Credits

(1953, Supp. § 225c; 1955, Supp. § 282d; 1959, P.A. 242; 1969, P.A. 516; 1971, P.A. 604, § 1; 1973, P.A. 73-614, § 1, eff. June 17, 1973; 2003, P.A. 03-264, § 2.)

Notes of Decisions (2)

C. G. S. A. § 7-204, CT ST § 7-204

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

End of Document

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Connecticut General Statutes Annotated Title 7. Municipalities Chapter 100. Municipal Parking Authorities

C.G.S.A. § 7-205

§ 7-205. Financing

Currentness

Such parking authority or parking division, subject to the specific authorization and approval of the legislative body, may finance the creation and establishment of parking facilities by any one, or any combination, of the following methods: (a) General obligation bonds, including such general obligation bonds as shall mature at such time on a maturity schedule that will substantially equalize the payment of principal and interest annually; (b) revenue bonds as provided in section 7-206; (c) parking fees and special charges derived from the use of parking facilities; (d) general fund appropriations; (e) parking meter revenues; or (f) gifts, bequests, devises, grants-in-aid or otherwise.

Credits

(1953, Supp. § 226c; 1955, Supp. § 283d; 1971, P.A. 604, § 3.)

C. G. S. A. § 7-205, CT ST § 7-205

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

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Connecticut General Statutes Annotated Title 7. Municipalities Chapter 100. Municipal Parking Authorities

C.G.S.A. § 7-207

§ 7-207. Rates and charges

Currentness

The legislative body shall, in the ordinance providing for the issuance of revenue bonds, fix the initial schedule of minimum rates, rentals, fees and other charges for the use of, and for the service and facilities furnished or to be furnished by, each parking facility. After any parking facility has been in operation the legislative body may revise such schedule of rates, rentals, fees and charges from time to time, subject to the provisions of any lease theretofore made by the parking authority or parking division and then in force. The parking authority or parking division shall charge and collect the rates, rentals, fees and charges so fixed or revised. Such rates, rentals, fees and charges shall be so fixed and revised as to provide funds sufficient at all times (a) to pay the cost of maintaining, repairing and operating the parking facility or parking facilities, including reserves for such purpose and for replacements and depreciation, (b) to pay the principal of and the interest on the revenue bonds as the same become due and reserves therefor and (c) to provide a margin of safety for making such payments.

Credits

(1953, Supp. § 228c; 1955, Supp. § 285d.)

C. G. S. A. § 7-207, CT ST § 7-207

The statutes and Constitution are current with enactments of the 2016 February Regular Session, the 2016 May Special Session, and the 2016 September Special Session.

End of Document

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Sapienza, Matt

From: Candela, Brian
Sent: Friday, January 06, 2017 11:48 AM
To: Sapienza, Matt
Subject: FW: Parking Authority
Attachments: item4 parking budget.pdf

From: Gilden, Frederic
Sent: Monday, December 05, 2016 11:42 AM
To: McCann, Brian; Candela, Brian; Melendez, EloisaM
Subject: RE: Parking Authority

See attached

This does not include any capital requests that may have gone the Board of Estimate.

Frederic J Gilden
Comptroller
203 854-7711 office
203 854-7710 fax
fgilden@norwalkct.org email



City of Norwalk
125 East Avenue
Norwalk, CT 06851
(203) 854-7711

Comptroller Office

From: McCann, Brian
Sent: Monday, December 05, 2016 11:16 AM
To: Gilden, Frederic <fgilden@norwalkct.org>; Candela, Brian <bcandela@norwalkct.org>; Melendez, EloisaM <eloisa.melendez@hotmail.com>
Subject: Parking Authority

Fred:

Is there any way that we can see the budget packet that was submitted to the finance committee by the Parking Authority last year?

Thanks

Brian

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901



MEMORANDUM

April 20, 2016

To: Members of the Board of Estimate and Taxation
From: Kathryn R. Hebert, Administrative Services Manager
Re: Parking Authority Operating Budget for FY 2017

The approved operating budget for FY 2017 reflects the Parking Authority's mission to enhance economic development and quality of life as a critical contributor through community partnerships, opportunities and financially balanced parking programs. The 2017 Operating Budget of \$6,179,877 addresses these goals and represents a \$379,753 increase over FY 2016 (\$5,800,123) and fund balance of \$307,794.

Expense Drivers:

- o \$100,000 for parking programs to promote economic development
- o \$135,000 for capital reserve and replacement program
- o \$441,407 for City allocated personnel salary and benefit charges
- o \$40,033 increase for staff adjustments in the Wall and SoNo area
- o \$68,528 increase for snow removal reflecting average actual expenses
- o (\$23,267) reduction in debt service payments.

Revenue Drivers:

- o \$7,854 increase for monthly permit revenue which represents consistent permit sales and trends.
- o \$371,854 for transient revenue which represents a rate *decrease* at the Maritime Garage and at the Yankee Doodle Garage, increased rates at various locations; reflects increased parking activity systemwide, longer transaction times and increased compliance.
- o \$111,642 increase for meter revenue which reflects rate and on street activity increases and expanded hours of operation.
- o \$52,740 increase for parking violation revenue which represents only 12% of the overall revenue pool.

Cc: Norwalk Parking Authority
Bruce Chimento, Director Public Works



DESCRIPTION OF SERVICES

The Norwalk Parking Authority has changed from a traditional parking provider to an advocate for downtown development and commerce supporting mobility, sustainability, growth and improvement while creating easy to park and pay options through mobile platforms. The operating budget reflects the Parking Authority's mission to provide superior services to enhance economic development using best practices and provide opportunities to the community through financially balanced parking programs, smartparking technologies, security systems and community collaboration while overseeing the management, operation, facilities, maintenance of over 4,000 on and off street parking spaces including the railroad stations.

HIGHLIGHTS for FY 2015-2016

◦ Customer Experience:

- Showcased the Art in Parking Places program through quarterly exhibits at the Maritime Garage Gallery collaborating with the Norwalk Arts Commission.
- Partnered with the Library to provide free books to commuters at the railroad stations
- Collaborated with surrounding property owners to beautify facilities.
- Installed additional bike racks at the Maritime Garage collaborating with the bike/walk task force
- Installed a pay station inside the Maritime Garage offering a convenient payment option to customers
- Improved customer service through employee training and urban center presence.
- Improved paystation instructions through upgrading to a pay by plate platform.

◦ Economic Development:

- Implemented an outreach program through community, customer and business meetings.

◦ Financial Stability:

- Continued to operate with a balanced financial portfolio and diversified revenue stream
- Continued to increase parking compliance.
- Established a capital reserve account to ensure facility sustainability and customer safety.
- Performed a rate study analysis to determine current and future parking rate structure.

◦ Maintenance and Security:

- Implemented facility maintenance improvements to extend facility useful life;
- Upgraded and installed additional security cameras and systems collaborating with the NPD.

◦ Smart Parking Technology and Communication:

- Continued to provide communication through interactive website, mobilized smartphone applications and social media alerts;
- Increased pay by cell usage through collaborate marketing efforts with Norwalk Community College.
- Improved wayfinding through on-street sensors and facility counter technology to capture utilization data
- Implemented pre payment online widget technology for Maritime Aquarium customers.
- Upgraded the paystations from pay by space to pay by plate providing customer flexibility, advertising options for the business community, compliance with chip and pin technology and compliance with ADA requirements.

Environmental Sustainability and Energy Management Efforts:

- Replaced all fluorescent lighting with LED lighting at the Haviland Deck, Webster Parking Lot and Maritime Garage through a grant program offered by SNEW.
- Received a grant through Eversource to replace fluorescent lights at the YDG.

GOALS FY 2016-2017

◦ **Customer Experience:**

- Expand the Art In Parking Places creative placemaking program to include the Wall Street urban district.
- Expand field ambassador and customer service presence in the SoNo and Wall areas.
- Improve wayfinding signage at the facilities

Economic Development

- Collaborate with the Redevelopment Agency on citywide branding and wayfinding policies and programs
- Collaborate with Transportation projects to create 'complete trip' program.
- Continue outreach efforts through ongoing community and individual meetings
- Implement parking programs through business partnerships to promote economic development.
- Evaluate systemwide current and future parking capacity needs.
- Evaluate multimodal transportation platforms at the railroad stations to determine best options.

◦ **Financial Stability:**

- Operate with a balanced financial portfolio and diversified revenue stream;
- Fund capital reserve and replacement account to ensure facility sustainability and customer safety.
- Implement a comprehensive rate structure and expense budget that places the appropriate value on the best locations, maximizes turnover and enhances development and mobility.

◦ **Maintenance and Security:**

- Perform facility maintenance and structural improvements to extend facility useful life and enhance operational efficiency.
- Enhance security through lighting and camera system installations.

◦ **Technology and Communication:**

- Provide superior communication through interactive website, mobilized smartphone applications, and social media alerts;
- Continue to implement the smartparking/technology plan to capture utilization data;
- Improve wayfinding, payment and operational efficiency efforts through the use of technology;
- Expand the pre payment online option to the business community
- Improve interactive garage kiosks to provide community information to visitors

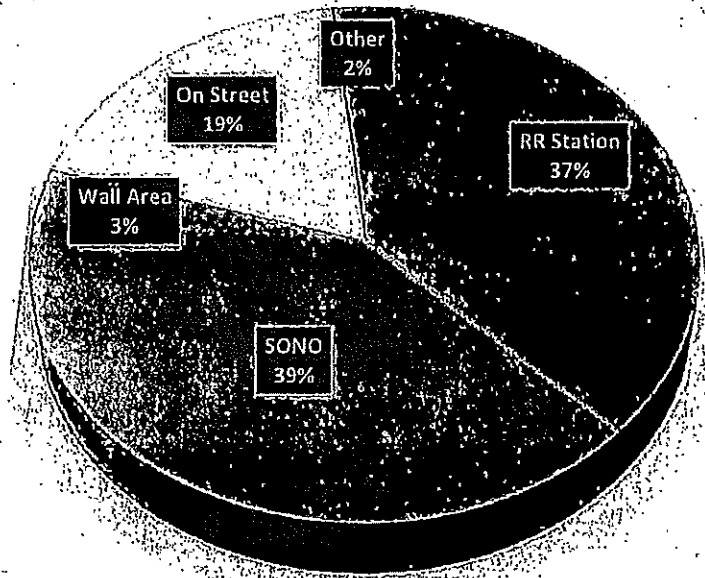
◦ **Environmental Sustainability and Energy Management Efforts:**

- Continue to evaluate energy efficiencies systemwide

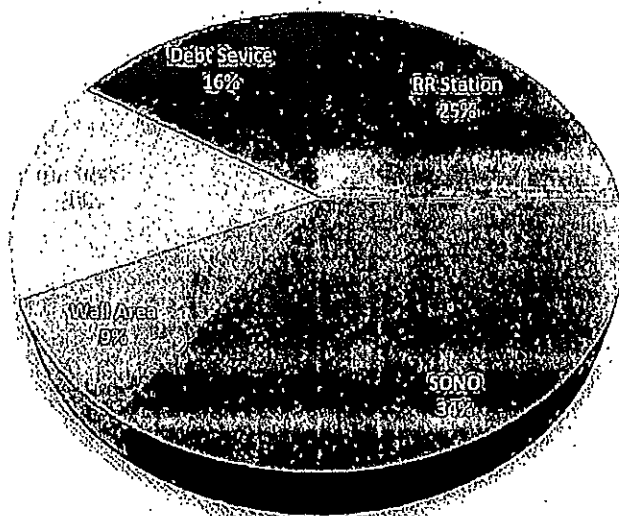
Norwalk Parking Authority
PROPOSED BUDGET (Detail)
 FY 2017

	Actual FY 2015	Budget FY 2016	PROPOSED Budget FY 2017	Variance \$ to Budget FY 2016	Variance % to Budget FY 2016
PARKING REVENUE					
Monthly	2,417,219	2,545,785	2,553,639	7,854	0.31%
Transient	2,530,336	2,417,973	2,789,826	371,854	15.38%
Validations	0	0	0	0	0
Meter Revenue (Sono)	257,732	308,096	419,739	111,642	36.24%
Parking Violation Revenue	755,935	733,762	786,501	52,740	7.19%
Less: Refunds	(675)	0	0	0	0
Less Sales Tax	(167,238)	(176,114)	(173,275)	2,840	-1.61%
TOTAL PARKING REVENUE	5,793,310	5,829,501	6,376,431	546,930	9.38%
OTHER REVENUE					
Art Program - MG	606	0	0	0	0
Advertising	1,200	1,000	1,000	0	0.00%
Lease Income - SNRR	14,560	12,000	14,400	2,400	20.00%
Lease Income - Webster	38,913	0	0	0	0
Lease Income - YDG	15,760	9,600	15,840	6,240	65.00%
Easements	43,365	0	0	0	0
SNRR/ENRR Concessions	45,957	50,000	50,000	0	0.00%
Investment Income	12,516	6,000	6,000	0	0.00%
Enhanced Parking Svcs.	1,258	0	0	0	0
ATM Machines	16,060	24,000	24,000	0	0.00%
TOTAL OTHER REVENUE	190,195	102,600	111,240	8,640	8.42%
TOTAL SYSTEM REVENUE	5,983,504	5,932,101	6,487,671	555,570	9.37%
EXPENSES					
Personnel/Benefits (FTE 29.9)	1,648,978	1,719,543	1,872,745	153,202	8.91%
Security Services	137,955	115,000	115,000	0	0.00%
Equipment Expense	33,001	115,500	87,540	(27,960)	-24.21%
Vehicle Expense	74,405	45,000	95,000	50,000	111.11%
Building Repair & Maintenance	711,649	545,989	545,989	0	0.00%
Sanitation Expense	16,806	17,520	17,520	0	0.00%
Operating Expense	115,587	65,000	95,000	30,000	46.15%
Elevator Repair & Maintenance	15,557	27,600	27,600	0	0.00%
Snow Removal	297,949	206,472	275,000	68,528	33.19%
Signage	35,191	63,000	50,000	(13,000)	-20.63%
Tickets	6,873	30,000	15,000	(15,000)	-50.00%
Water	0	3,024	0	(3,024)	-100.00%
Liability Insurance	144,558	143,586	157,031	13,445	9.36%
Maritime Garage Condo Fees.	20,037	15,912	20,441	4,529	28.46%
Uniforms	17,303	15,000	15,000	0	0.00%
Licenses/Permit	0	2,100	0	(2,100)	-100.00%
Utilities	82,118	64,566	65,516	949	1.47%
Management Fees	146,721	100,000	100,000	0	0.00%
Printing	0	0	0	0	0
Office Expense	16,224	16,700	16,700	0	0.00%
Service Contracts	0	108,000	180,160	72,160	66.81%
Postage	0	0	0	0	0
Telephone	65,875	60,000	60,000	0	0.00%
Credit Card Fees	152,918	153,176	167,267	14,090	9.20%
Comm. Equip/Serv. Contracts	79,282	0	0	0	0
LPR Administration	0	0	0	0	0
Permit/Violation Management	157,809	172,600	100,000	(72,600)	-42.06%
Violation Collection	0	0	0	0	0
Marketing & Communications	44,699	55,000	50,000	(5,000)	-9.09%
Parking Lot Lease	9,300	10,000	0	(10,000)	-100.00%
Capital Reserve & Replacement	0	135,000	135,000	0	0.00%
Parking Programs	0	0	100,000	100,000	0
Contingency Fund	0	54,000	50,000	(4,000)	-7.41%
TOTAL OPERATING EXPENSES	4,030,796	4,059,289	4,413,508	354,220	8.73%
CITY ADMINISTERED EXPENSES					
Personnel/Benefits (city alloc.)	367,101	366,633	441,407	74,774	20.39%
Electric	235,349	291,924	296,217	4,293	1.47%
Business Exp.	3,076	4,500	4,500	0	0.00%
Sewer (wpca)	5,091	8,500	8,925	425	5.00%
Professional Service	200	30,000	9,309	(20,691)	-68.97%
Legal Service	638	30,000	20,000	(10,000)	-33.33%
TOTAL CITY ADMINISTERED	611,455	731,557	780,358	48,801	6.67%
SUB-TOTAL OPERATING EXP.	4,642,251	4,790,846	5,193,866	403,021	8.41%
Debt Service Interest	366,001	348,081	368,098	20,017	5.75%
Debt Service Principal	751,104	661,196	617,912	(43,284)	-6.55%
SUB-TOTAL DEBT SERVICE	1,117,105	1,009,277	986,010	(23,267)	-2.31%
TOTAL EXPENSES	5,759,356	5,800,123	6,179,876	379,754	6.55%
Fund Balance	224,148	131,978	307,794	175,816	133.22%

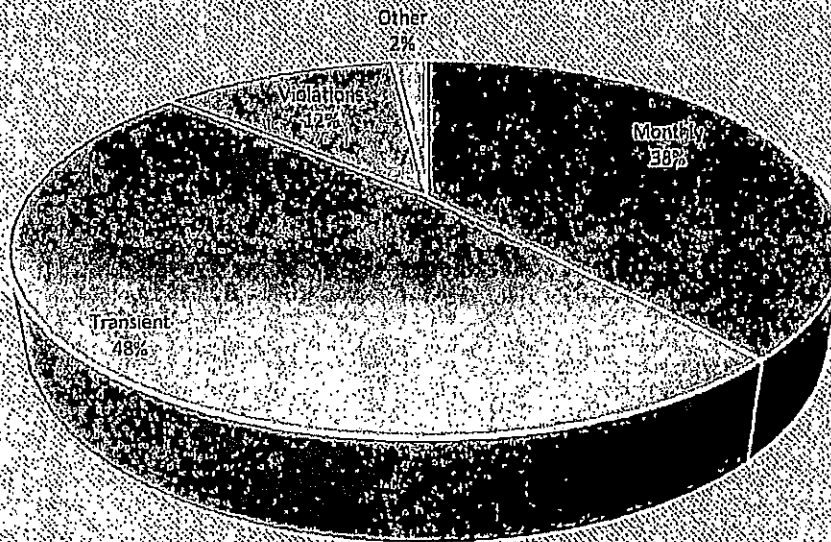
NPA Revenue by Area FY 2017



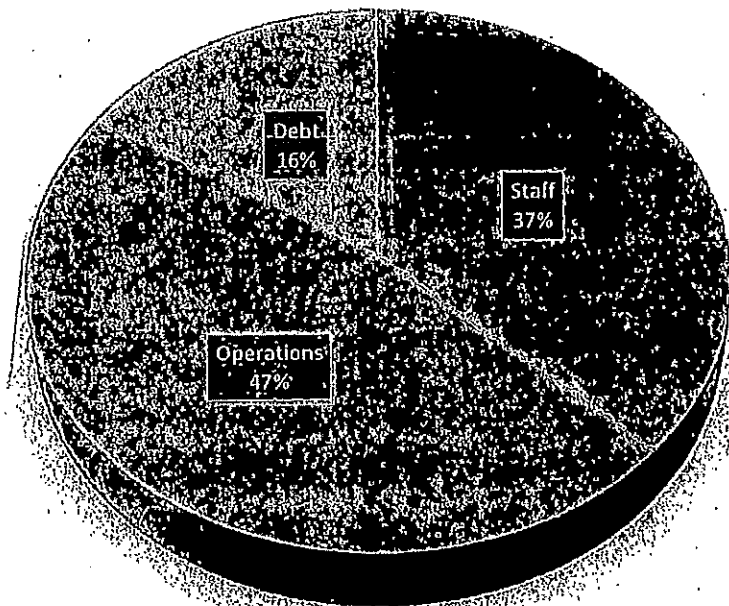
NPA Expenses by Area FY 2017



NPA Revenues FY2017



NPA Expenses FY2017



Indemnification
(Norwalk City Code § 67A-1)

Redlined Version § 67A-1 Indemnification.

[Amended 7-9-2002]

The City of Norwalk shall protect and save harmless and shall defend any lawsuit or administrative proceeding instituted against any board member, a ~~director~~, commissioner, agent, representative, board, commission, agency or authority of the City appointed or confirmed by the City of Norwalk of the Maritime Center Authority, the Transit District, the Housing Authority, the Redevelopment Agency, the Norwalk Harbor Management Commission, the Norwalk Wilton Convention and Visitors Commission and District, the Southwestern Regional Planning Agency, the Interlocal for the Connecticut Resource Recovery Authority, the Housing Sites Development Agency, the Norwalk Parking Authority, the Norwalk Water Pollution Control Authority or any other such agency which is not normally insured by the City of Norwalk and which the Mayor designates to be insured by the City of Norwalk for damages awarded for infringement of any person's civil rights or physical damage to person or property or breach of contractual obligations or claim arising out of the performance of the person's duties in an action brought against said director, commissioner or representative for from negligent acts or omissions occurring in the performance of governmental functions or while, acting which occurred within the scope of the person's her/his/its employment or official duties.

The City shall be liable for the acts or omissions occurring in the performance of governmental functions or duties of a director, Commissioner or representative so long as the person acts in good faith in the exercise of honest judgment and not maliciously, wantonly or in abuse of discretion.

Said entity or person shall be indemnified and held harmless only if such person was acting in good faith, and within the scope of such person's official functions and duties, and was not acting in violation of any state, municipal or professional code of ethics regulating the conduct of such person, board, commission, agency or authority. The indemnification provisions of this subsection shall not apply if such damage or injury was caused by the reckless, willful, criminal, malicious, fraudulent or wanton misconduct of such person, board, commission, agency or authority.

Proposed § 67A-1 Indemnification.

The City of Norwalk shall protect and save harmless and shall defend any lawsuit or administrative proceeding instituted against any board member, commissioner, agent, representative, board, commission, agency or authority of the City, from negligent acts or omissions occurred within the scope of her/his/its employment or official duties.

Said entity or person shall be indemnified and held harmless only if such person was acting in good faith, and within the scope of such person's official functions and duties, and was not acting in violation of any state, municipal or professional code of ethics regulating the conduct of such person, board, commission, agency or authority. The indemnification provisions of this subsection shall not apply if such damage or injury was caused by the reckless, willful, criminal, malicious, fraudulent or wanton misconduct of such person, board, commission, agency or authority.

Sec. 52-557n. Liability of political subdivision and its employees, officers and agents. Liability of members of local boards and commissions. (a)(1) Except as otherwise provided by law, a political subdivision of the state shall be liable for damages to person or property caused by: (A) The negligent acts or omissions of such political subdivision or any employee, officer or agent thereof acting within the scope of his employment or official duties; (B) negligence in the performance of functions from which the political subdivision derives a special corporate profit or pecuniary benefit; and (C) acts of the political subdivision which constitute the creation or participation in the creation of a nuisance; provided, no cause of action shall be maintained for damages resulting from injury to any person or property by means of a defective road or bridge except pursuant to section 13a-149. (2) Except as otherwise provided by law, a political subdivision of the state shall not be liable for damages to person or property caused by: (A) Acts or omissions of any employee, officer or agent which constitute criminal conduct, fraud, actual malice or wilful misconduct; or (B) negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law.

(b) Notwithstanding the provisions of subsection (a) of this section, a political subdivision of the state or any employee, officer or agent acting within the scope of his employment or official duties shall not be liable for damages to person or property resulting from: (1) The condition of natural land or unimproved property; (2) the condition of a reservoir, dam, canal, conduit, drain or similar structure when used by a person in a manner which is not reasonably foreseeable; (3) the temporary condition of a road or bridge which results from weather, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (4) the condition of an unpaved road, trail or footpath, the purpose of which is to provide access to a recreational or scenic area, if the political subdivision has not received notice and has not had a reasonable opportunity to make the condition safe; (5) the initiation of a judicial or administrative proceeding, provided that such action is not determined to have been commenced or prosecuted without probable cause or with a malicious intent to vex or trouble, as provided in section 52-568; (6) the act or omission of someone other than an employee, officer or agent of the political subdivision; (7) the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization, when such authority is a discretionary function by law, unless such issuance, denial, suspension or revocation or such failure or refusal constitutes a reckless disregard for health or safety; (8) failure to make an inspection or making an inadequate or negligent inspection of any property, other than property owned or leased by or leased to such political subdivision, to determine whether the property complies with or violates any law or contains a hazard to health or safety, unless the political subdivision had notice of such a violation of law or such a hazard or unless

such failure to inspect or such inadequate or negligent inspection constitutes a reckless disregard for health or safety under all the relevant circumstances; (9) failure to detect or prevent pollution of the environment, including groundwater, watercourses and wells, by individuals or entities other than the political subdivision; or (10) conditions on land sold or transferred to the political subdivision by the state when such conditions existed at the time the land was sold or transferred to the political subdivision.

(c) Any person who serves as a member of any board, commission, committee or agency of a municipality and who is not compensated for such membership on a salary or prorated equivalent basis, shall not be personally liable for damage or injury occurring on or after October 1, 1992, resulting from any act, error or omission made in the exercise of such person's policy or decision-making responsibilities on such board, commission, committee or agency if such person was acting in good faith, and within the scope of such person's official functions and duties, and was not acting in violation of any state, municipal or professional code of ethics regulating the conduct of such person, or in violation of subsection (a) of section 9-369b or subsection (b) or (c) of section 1-206. The provisions of this subsection shall not apply if such damage or injury was caused by the reckless, wilful or wanton misconduct of such person.

Location:

LIABILITY, LEGAL; MUNICIPAL OFFICIALS AND EMPLOYEES;



December 14, 2009

2009-R-0444

CIVIL LIABILITY OF A MUNICIPAL OFFICIAL

By: George Coppolo, Chief Attorney

You asked for general information about the civil liability of a person who serves as a municipality's first selectman including whether (1) someone could sue the official individually for actions that he or she took in the capacity as first selectman and (2) the municipality's liability insurance might provide some protection.

Our office is not authorized to give legal opinions and this report should not be considered one.

SUMMARY

Connecticut statutory and common law provides municipal officials with significant protection from civil liability. But the law does not provide total immunity. Thus, under certain circumstances municipal officials can be sued individually. Also, under certain circumstances, the law requires municipalities to indemnify municipal officials who are sued because of actions they took in their official capacity.

Municipalities can purchase insurance to protect themselves and municipal officials who are sued because of actions they took in their official capacity. Municipal officials should examine any insurance policy that a municipality has purchased to determine whether the insurance policy provides adequate protection from personal liability in light of Connecticut's law that provides limited immunity and requires municipalities to indemnify municipal officials under certain circumstances.

STATUTORY IMMUNITY FOR MUNICIPAL OFFICIALS

CGS § 52-557n(b) makes municipalities and their employees, officials, and agents acting within the scope of their employment or official duties immune from civil liability for damages resulting from:

1. the condition of natural land or unimproved property;
2. the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person in a manner that is not reasonably foreseeable;
3. the temporary condition of a road or bridge which results from weather, if the municipality has not received notice and has not had a reasonable opportunity to make the condition safe;
4. the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreational or scenic area, if the municipality has not received notice and has not had a reasonable opportunity to make the condition safe;
5. starting a judicial or administrative proceeding, unless it was commenced or prosecuted without probable cause or with a malicious intent to vex or trouble;
6. the act or omission of someone other than a municipal employee, office, or agent;
7. the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, when such authority is a discretionary function by law, unless the action or referral constitutes a reckless disregard for health or safety;
8. failure to inspect or making an inadequate or negligent inspection of any property, other than property owned or leased by or leased to the municipality, to determine whether the property complies with or violates any law or contains a hazard to health or safety, unless the municipality (a) had notice the violation of law or such a hazard or (b) the failure to inspect or such inadequate or negligent inspection constitutes a reckless disregard for health or safety under all the relevant circumstances;
9. failure to detect or prevent pollution of the environment including groundwater, watercourses, and wells, by individuals or entities other than the municipality; or
10. conditions on land sold or transferred to the municipality by the state when such conditions existed at the time the land was sold or transferred to the municipality.

Liability of Uncompensated Municipal Officials

CGS § 52-557n(c) makes those who serve as a member of any municipal board, commission, committee, or agency and who are not compensated on a salary or prorated equivalent basis, immune from civil liability for damage or injury resulting from any act, error, or omission made in the exercise of their policy or decision-making responsibilities if they were:

1. acting in good faith and within the scope of their official functions and duties and
2. not violating (a) any state, municipal, or professional code of ethics regulating the conduct of such person, (b) their duty to prepare and print a concise explanatory text of local proposals or questions approved for submission to the electors of a municipality at a referendum as required by law (CGS § 9-369b(a)); or (c) the law prohibiting public officials from denying access to public records or meetings (CGS § 1-206(b) or (c)).

This immunity applies to negligence on the part of a public official in their decision making capacity. But it does not apply to damages or injuries caused by their reckless, willful, or wanton misconduct.

Negligence. In order to recover under a negligence theory, an injured person must prove (1) the defendant owed him a duty of care, (2) the defendant breached this duty, and (3) he or she was injured because of the breach.

Common-law negligence is the failure to use reasonable care under the circumstances. A duty to use care exists when a reasonable person, knowing what the defendant either knew or should have known at the time of the challenged conduct, would foresee that harm of the same general nature as that which occurred was likely to result from that conduct (*Coburn v. Lenox Homes, Inc.*, 186 Conn. 370, 375 (1982)).

Reasonable care is the care that a reasonably prudent person would use in the same circumstances (*Hoelter v. Mohawk Services, Inc.*, 170 Conn. 495, 501 (1976)). In determining the care that a reasonably prudent person would use in the same circumstances, the jury (or court in a non-jury case) must consider all of the circumstances that were known or should have been known to the defendant at the time of the conduct in question. Whether care is reasonable depends upon the dangers that a reasonable person would perceive in those circumstances (*Galligan v. Blais*, 170 Conn. 73, 77 (1976); *Pleasure Beach Park Co. v. Bridgeport Dredge & Dock Co.*, 116 Conn. 496, 503 (1933); *Geoghegan v. G. Fox & Co.*, 104 Conn. 129, 134 (1926)).

Willful, Wanton, and Reckless Misconduct. Under Connecticut law, willful, wanton, or reckless misconduct refers to unreasonable conduct involving an extreme departure from ordinary care in a situation where a high degree of danger is apparent. The conduct must be more than any mere mistake resulting from inexperience, excitement, or confusion, and more than mere thoughtlessness, inadvertence, or inattention (*Pouliot v. Arpin Van Lines, Inc.*, 367 F. Supp. 267 (D. Conn. 2005)).

Common Law Immunity

The common law appears to provide similar immunity for compensated municipal officials as this statute does for uncompensated officials.

COMMON-LAW IMMUNITY FOR MUNICIPAL OFFICIALS

The common law gives compensated and uncompensated municipal officials qualified immunity from civil liability when performing discretionary functions. A municipal official's immunity for performing discretionary governmental functions is qualified by three recognized exceptions:

1. the circumstances make it apparent to the public official that his or her failure to act would be likely to subject an identifiable person to imminent harm;
2. a statute that authorizes a person to sue a municipality or municipal official for failure to enforce certain laws; or
3. the alleged acts involve malice, wantonness, or intent to injure, rather than negligence (*Spears v Garcia*, 263 Conn. 22 (2003)).

"Governmental acts" for which municipal officials have qualified immunity are performed wholly for the direct benefit of the public and are supervisory or discretionary in nature. The hallmark of a discretionary act is that involve the exercise of judgment. In contrast, ministerial acts refers to a duty that is to be performed in a prescribed manner without the exercise of judgment or discretion (*Bailey v. Town of West Hartford*, 100 Conn. App. 805 (2007)). The common law does not provide immunity to municipal officials for negligently performing ministerial acts.

The imminent harm exception to discretionary act immunity applies when the circumstances make it apparent to the public official that his or her failure to act would be likely to subject an identifiable person to imminent harm. This test requires three things: (1) imminent harm, (2) an identifiable victim, and (3) a public official to whom it is apparent that his or her conduct is likely to subject that victim to that harm (*Violano v. Fernandez*, 280 Conn. 310 (2006)).

An injured person who claims that an official's conduct was wanton, reckless, willful, or intentional must prove the official's conduct was more than negligence, and more than gross negligence. The injured person must prove that the official's conduct amounted to a reckless disregard of the rights or safety of others (*Belanger v. City of Hartford*, 578 F. Supp. 2d, 360, District of Connecticut (2008)).

INDEMNIFICATION AND REIMBURSEMENT FOR MUNICIPAL OFFICIALS

CGS § 7-101a

A statute requires each municipality to indemnify any elected or appointed municipal official, or any municipal employee from financial loss and expense, including legal fees and costs, arising out of any claim, demand, suit, or judgment for negligence or infringement of civil rights by the official or employee while acting in the discharge of his or her duties (CGS § 7-101a (a)).

The law also requires each municipality to indemnify municipal officials and employees from financial loss and expense, including legal fees and costs arising

out of any claim, demand, or suit instituted against them by reason of an alleged malicious, wanton, or willful act, or any act beyond the scope of their authority while acting in the discharge of their duties. But an official or employee who has a judgment entered against him or her for a malicious, wanton, or willful act, must

reimburse the municipality for expenses it incurred in providing such defense and the municipality may not be held liable to such official or employee for any financial loss or expense resulting from such an act (CGS § 7-101a(b)).

This duty to indemnify only applies if (1) the lawsuit is initiated within two years after the cause of action arose and (2) written notice of the intention to sue and of the time and place where the damages were incurred or sustained has been filed with the municipality's clerk within six months after the cause of action has accrued (CGS § 7-101a(d)).

The law authorizes each municipality to insure against the duty to indemnify or elect to act as self-insurer of such liability (CGS § 7-101 a(c)).

CGS § 7-465

A separate statute also requires municipalities to indemnify municipal employees for all sums the employees become obligated to pay for damages awarded for infringing any person's civil rights or for physical damages to person or property, if the employees, at the time of the occurrence, accident, physical injury, or damages complained of, were (1) acting in the performance of their duties and within the scope of their employment, and (2) the occurrence, accident, physical injury, or damage was not the result of the their willful or wanton act (CGS § 7-465). This statute specifies that a municipality may arrange for and maintain appropriate insurance or may elect to act as a self-insurer to maintain protection for lawsuits filed against it under this statute's provisions.

This statute's indemnification requirement does not apply to:

1. libel or slander proceedings brought against an employee or
2. physical injury to an employee caused by another employee while both are engaged in the scope of their employment for the municipality if the injured employee or his or her dependent, has a right to workers' compensation benefits or compensation.

No action for personal physical injuries or damages to real or personal property may be maintained against such municipality and employee jointly unless (1) the lawsuit is commenced within two years after the cause of action arose and (2) written notice of the intention to commence the action and of the time and place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after the cause of action accrued.

This statute specifies that the doctrine of "governmental immunity" is not a defense in any lawsuit filed under its provisions.

This statute also specifies that in any lawsuit filed under its provisions, the municipality and the employee may be represented by the same attorney if the municipality, when the attorney enters his or her appearance, files a statement with the court that it will pay any final judgment rendered in the lawsuits against the employee.

GC:df

Arts Commission

Arts Commission

Establishment; membership; appointment; terms of office.

There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of eleven members, who shall be appointed by the Mayor, with the consent of the Common Council. The first commissioners appointed shall be designated to serve staggered terms: three commissioners shall serve for one year; three for two years; and three for three years. After the initial appointments, each commissioner shall serve a term of three years. Any vacancy shall be filled for the unexpired portion of the term. No person shall be appointed or reappointed to the Commission unless they are a resident of the City.

The Commission shall include two members of the Common Council, one member from each political party. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall exist which shall be filled by the Mayor with the consent of the Common Council. Each vacancy shall be forthwith filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Officers and executive director.

At its first meeting subsequent to July 1 of each year, the Commission shall elect three officers, a Chairman, Vice Chairman and Secretary. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, subject to available funding, and have such duties and receive such compensation as shall be fixed by the Commission.

Purposes and duties.

The purpose of the Commission shall be to connect the arts and the community and to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council.

COMMON COUNCIL MINUTES DECEMBER 13, 2016
NORWALK, CONNECTICUT 7:30 PM EST COUNCIL CHAMBERS

**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 Rilling called the meeting to order at 7:36 p.m. He then led all those present in reciting the Pledge of Allegiance. Following the conclusion of the Pledge, the Mayor requested that all present remain standing for 26 seconds of silence in memory of the 26 victims of the Sandy Hook Elementary School shooting, which occurred on December 14, 2014 in Newtown, Connecticut.

ROLL CALL.

Ms. King called the roll.

Council at Large:	Mr. Richard Bonenfant Mr. Douglas Hempstead Mr. Nicholas Sacchinelli	Mr. Michael Corsello Mr. Bruce Kimmel
District A:	Ms. Eloisa Melendez	Mr. Steve Serasis
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Michael DePalma
District E:	Mr. John Igneri Council President.	Mr. Thomas Livingston

There were 14 Council Members present and one absent (Maggio). A quorum was present.

Also present were Mayor Harry Rilling, Attorney Mario Coppola, Corporation Counsel and Donna King, City Clerk.

II. ACCEPTANCE OF MINUTES

Regular Meeting:

November 22, 2016

**** MR.IGNERI MOVED THE MINUTES OF NOVEMBER 22, 2016.**

The following correction was noted:

City of Norwalk
Common Council
Regular Meeting
December 13, 2016

Page 9, paragraph 2, line 4: please change the following from:

“the costs of the project has risen to \$140,000.” To “the costs of the project has risen to \$140,000,000.”

**** THE MOTION TO APPROVE THE MINUTES OF NOVEMBER 22, 2016 AS CORRECTED PASSED WITH TWELVE (12) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, KIMMEL, SACCHINELLI, MELENDEZ, SERASIS, BOWMAN, KYDES, O'TOOLE-GIANDURCO, DEPALMA, AND IGNERI) AND TWO (2) ABSTENTIONS (SIMMS AND LIVINGSTON).**

III. PUBLIC PARTICIPATION

Ms. Susan Wallerstein came forward and greeted the Council members. She said that she was present as Chairman of the Arts Commission and wished to address Agenda Item VII D 1, which was coming from the Ordinance Committee for approval.

Ms. Wallerstein said that there were two words in the proposed ordinance that she would like the Council Members to focus on along with two reasons for approving this ordinance. The first word was “connect”. She went on to explain that in the three years that she had been chairman of the Arts Commission, the Commission has trained approximately 50 to 60 volunteer docents from all age ranges. The Commission has also been able connect local graphic design professionals with students interested in the profession. Signage and digital resources have been created to help Norwalk residents and visitors understand the arts, along with assisting graduates of the Norwalk public schools.

“Stewarding”, which involves accepting, maintaining and de-accessioning, are three critical functions for the public art. Examples of recent donations such as one from David Cole to the Center for Global Studies and the family of the late Bruce Mellon donated his art collection. In order to do this, someone has to contact the donors, and inventory the items. Maintaining the various pieces includes work with the Board of Education and the Anti-Graffiti Task Force, along with working to repair public art that may be damaged. Ms. Wallerstein said that the Commission was not the decision makers, but provided value added input.

She then said one reason the Council should proceed with this was due to continuity. Many people think that the Arts Commission started under Mayor Moccia, but it was actually begun by Mr. Cliff Barton under Mayor Bill Collins. With the Commission's current status, if the Mayor or the citizens are not interested in having an Arts Commission, then there isn't one because it is not codified in the Charter.

The second reason has to do with eligibility. Last spring, the Commission discovered that

the CDBG funding would only be available to a municipal Arts Commission. She thanked everyone for the time.

Mr. Charles Taney then came forward to address the Council members. He said that he was president of the Manresa Association which represents over 900 Norwalk households. He said that he wished to address Agenda Item VII A 2, the Economic Impact study involving a public/private partnership between the City of Norwalk and the Manresa Association. He then offered two reason why this would be important to approve.

Mr. Taney said that he had moved to the Village Creek area of Norwalk nine years ago, Prior to that, he lived in Greenwich and commuted into New York City on a daily basis. Each day, his train would pass by the closed Cos Cob power plant, which slowly crumbled into the ground for 29 years. When the Manresa plant was closed three years ago, Mr. Taney decided he did not want to be looking at that plant crumbling into Long Island Sound for the next 20 years. It's been three and a half years since the plant closed and nothing has been done on the property. NRG has said that they have not determined what the future plans are for the property. It is actually cheaper just to do nothing on the site and sit on it, which is what they did in Cos Cob. The Manresa Association does not want to see that happen and hopes that the Council does not want to have 125 acres right on Long Island Sound in that deteriorating condition.

Secondly, by undertaking this partnership, Norwalk will be moving towards a better outcome. It will be the current Common Council or their successors who will eventually have the NRG presenting a recommendation for the property. Having the Economic Impact Analysis will put the Council Members in the position of being able to make an informed decision. The Council Members will have their own metrics and data that has been developed by the City with the Manresa Association available to consider, rather than depending on their information.

Finally, Mr. Taney said that he would like to thank the City of Norwalk. The Manresa Association brought the idea of the Economic Impact study to the City with an offer of sharing the cost of the study. Mr. Taney said that the City stepped up and that the task force team that the Mayor appointed was terrific. He also thanked the Steering Committee for their hard work in selecting the firm to do the study. Mr. Taney then outlined the process for selecting the firm, including the RFP and evaluating the proposals. The selection of Fitzgerald & Halliday was unanimous.

Mr. Taney then said that he had a check in the amount of \$75,000 to cover the Manresa's Association's half of the study cost.

Ms. Rita Steinburger, who lives in Marvin Beach, which is one of the communities that is

Mr. Serasis said that he was in support of the project and the work that has been put into it along with the funding raised. He said that he was planning on abstaining on voting because he was from District A. Mr. Serasis said that there was a comment made earlier about the synergy in the area and the parking and traffic on main and Wall Street is crazy. The state of the uptown development want. An economic study on an uptown train platform. He spoke about a building on Wall Street that was in serious disrepair. He said that he was abstaining because Wall Street needs an economic study for the TOD.

Mr. Kimmel said that it was his understanding that the BET had already approved this issue.

**** MR. KIMMEL MOVED TO AMEND THE ITEM FROM:**

APPROVE ENTERING INTO A CONTRACT WITH FITZGERALD & HALLIDAY FOR THE DEVELOPMENT OF THE MANRESA ISLAND ECONOMIC IMPACT ANALYSIS NOT TO EXCEED \$150,000 (ACCOUNT #017025-5258) AND APPROVE THE ECONOMIC DEVELOPMENT DIRECTOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS.

TO:

APPROVE ENTERING INTO A CONTRACT WITH FITZGERALD & HALLIDAY FOR THE DEVELOPMENT OF THE MANRESA ISLAND ECONOMIC IMPACT ANALYSIS NOT TO EXCEED \$150,000 (ACCOUNT #017025-5258) AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT AND RELATED DOCUMENTS.

**** THE MOTION TO AMEND THE ITEM PASSED UNANIMOUSLY.**

Mayor Rilling congratulated the Manresa Association, Land Trust and the Council members who attended the meetings and worked so hard for this project. They bring their passion for open space in Norwalk to the City and protect the space for the residents. He also thanked Mr. Kimmel, Mr. Livingston and Mr. Igneri for their time in attending these meetings in order to bring this to the Council for approval.

**** THE MOTION TO APPROVE THE ITEM AS AMENDED PASSED WITH ELEVEN (11) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, KIMMEL, SACCHINELLI, MELENDEZ, LIVINGSTON, KYDES, O'TOOLE-GIANDURCO, DEPALMA, AND IGNERI) AND THREE (3) ABSTENTIONS (SERASIS, BOWMAN AND SIMMS).**

D. ORDINANCE COMMITTEE

1. Approve proposed Arts Commission ordinance.

**** MS. MELENDEZ MOVED THE ITEM.**

Ms. Melendez said that she supported the ordinance because it affirms the City's commitment to the arts. It makes sense to have an official commission to help with the Arts.

Mr. Bonenfant said that he did not think it was quite ready and had some issues with the language. He suggested that the word "consent" in the second line of the first paragraph be replaced with the word "approval". He also had a suggestion regarding the use of the word "resident". Discussion followed and Mr. Bonenfant agreed that the phrase "resident elector" would be an acceptable substitution.

The discussion then moved to the language in the second paragraph. Mr. Bonenfant expressed concern about the minority party representation and said that only recognizing two parties blocked future Independent or unaffiliated Council Members from serving on the Commission. He also had concerns about the descriptions of the part time employee. He asked if the Commission would have the power to spend money. Mr. Bonenfant asked if they would have the ability to put a piece of art in a park without any departmental approval or a display in a public building without the Council's approval.

Mr. Kimmel said that he would like to make an amendment to the second paragraph by having it read: "The Commission shall include two members of the Common Council, no more than one member per political party, selected by the Council caucuses. The Common Council member shall serve only during their terms of office as Council members."

Regarding the other questions, he said that they were answered during the meetings and felt that the Council could move ahead with this tonight. Discussion followed about how the amendment should be amended.

Mr. Bonenfant said that he wanted some clarification on the Executive Director. Ms. Bowman agreed. She asked if the Council was creating a department and what their ability would be to spend funding.

Ms. Melendez asked Ms. Wallerstein to come forward to answer questions. Ms. Wallerstein came forward and explained that the Arts Commission had gone to CCM and other towns to see what kind of ordinances they had as examples. The final product was from the Law Department. The Arts Commission does not plan to become a department and did not ask for staffing or a 19 hour week position. The Law Department explained that the Historical Commission employs a part time handyman. The Arts Commissions would operate under the same requirements as all the other Commission in the City. For

the last 10 years, the Arts Commission had a modest budget and occasionally hires consultants for projects. A consultant contract, similar to the Manresa agreement that was just approved, would go through the Purchasing Department. The Arts Commission works very closely with the Historical Commission. When the Arts Commission suggested that they remove the employment part, the Law Department suggested it be left in and any hiring would go through Personnel. The other changes seem reasonable.

Atty. Coppola said that since the ordinance was being created now, it was wise to plan ahead so the Council doesn't have to go back and change things. The City already knows what will happen in the event that the Commission needs to part time employee.

Mr. Hempstead said that there were four amendments on the floor and they needed to move the ones already on the floor. Discussion followed.

**** MR. KIMMEL MOVED TO AMEND THE FIRST TWO PARAGRAPHS FROM:**

THERE SHALL BE A COMMISSION KNOWN AS THE "NORWALK ARTS COMMISSION." THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR, WITH THE CONSENT OF THE COMMON COUNCIL. THE FIRST COMMISSIONERS APPOINTED SHALL BE DESIGNATED TO SERVE STAGGERED TERMS: THREE COMMISSIONERS SHALL SERVE FOR ONE YEAR; THREE FOR TWO YEARS AND THREE FOR THREE YEARS. AFTER THE INITIAL APPOINTMENTS, EACH COMMISSIONER SHALL SERVICE A TERM OF THREE YEARS. ANY VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. NO PERSON SHALL BE APPOINTED OR REAPPOINTED TO THE COMMISSION UNTIL THEY ARE A RESIDENT OF THE CITY.

THE COMMISSION SHALL INCLUDE TWO MEMBERS OF THE COMMON COUNCIL, ONE MEMBER FROM EACH POLITICAL PARTY. THE COMMON COUNCIL MEMBER SHALL SERVE ONLY DURING THEIR TERMS OF OFFICE AS COUNCIL MEMBERS; AND, UPON THE EXPIRATION OF SUCH TERMS OF OFFICE, VACANCIES SHALL EXIST WHICH SHALL BE FILLED BY THE MAYOR WITH THE CONSENT OF THE COMMON COUNCIL FOR THE UNEXPIRED PORTION OF THE TERM OF THE MEMBER WHOSE PLACE SHALL BECOME VACANT.

TO:

THERE SHALL BE A COMMISSION KNOWN AS THE "NORWALK

ARTS COMMISSION.” THE COMMISSION SHALL CONSIST OF ELEVEN MEMBERS, WHO SHALL BE APPOINTED BY THE MAYOR, WITH THE APPROVAL OF THE MAJORITY OF THE COMMON COUNCIL. THE FIRST COMMISSIONERS APPOINTED SHALL BE DESIGNATED TO SERVE STAGGERED TERMS: THREE COMMISSIONERS SHALL SERVE FOR ONE YEAR; THREE FOR TWO YEARS AND THREE FOR THREE YEARS. AFTER THE INITIAL APPOINTMENTS, EACH COMMISSIONER SHALL SERVICE A TERM OF THREE YEARS. ANY VACANCY SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. NO PERSON SHALL BE APPOINTED OR REAPPOINTED TO THE COMMISSION UNTIL THEY ARE A RESIDENT ELECTOR OF THE CITY.

THE COMMISSION SHALL INCLUDE TWO MEMBERS OF THE COMMON COUNCIL, NO MORE THAN ONE MEMBER PER POLITICAL PARTY AND SELECTED BY THE APPROPRIATE COUNCIL CAUCUSES. THE COMMON COUNCIL MEMBERS SHALL SERVE ONLY DURING THEIR TERMS OF OFFICE AS COUNCIL MEMBERS.

Mr. Corsello said that he supported the Arts Commission but felt that the ordinance should not be amended on the floor and it should go back to Committee to finalize the language.

**** MR. CORSELLO MOVED TO TABLE THE ITEM.**

Mr. Hempstead requested a recess before the tabling of the item.

RECESS

Mayor Rilling asked the Council members if they would approve a recess. No one objected. A recess was declared at 9:01 p.m. The Mayor called the meeting back to order at 9:07 p.m.

**** THE MOTION TO TABLE THE ITEM PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed motions from the Council floor at this time.

X. SUSPENSION OF RULES

There were no suspensions of the rules to consider at this time.

XI. ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Extra Police Work
(Norwalk City Code §§ 96-2;
96-14)

Chapter 96. Excavations and Encroachments in Public Streets and Grounds

§ 96-2. Permit required; exception.

B. This section shall not apply to Department of Public Works daily operations and maintenance of public streets and sidewalks; the short-term use of a ladder for the immediate purpose of window washing or for immediate inconsequential repair or use for a time not to exceed one hour; the depositing of merchandise or other goods outside of the traveled way preparatory to delivery, for a time not to exceed one hour; or the use of appropriate barriers and warning devices by a public utility company or taxing district performing emergency work not involving an excavation; provided, however, that any such activity shall be performed in a manner providing for the safety and least convenience to the public, and provided that no sidewalk is thereby reduced to less than ½ of its usable width.

§ 96-14. Protective measures.

F.

When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. The Director, in coordination with the Police Chief, shall approve the traffic control plan and together shall determine the appropriate number of traffic control persons or Norwalk Police Officers, where necessary, to ensure the public's safety, however, when the roadway(s) affected are classified as: 1) City Minor Arterial; 2) City Major Arterial; or 3) State Roadway; as listed on the Road Classification Map on file in the Public Works Department, or when the roadway(s) are within a school zone or immediately adjacent to entrances or exits of hospitals or fire departments, the Director shall first provide Norwalk Police Officers with the opportunity to direct traffic safely through the area. If the police department determines that no police officers are necessary or is unable to provide sufficient police officers, the Director shall, in the alternative, determine the appropriate number of traffic control persons necessary to ensure the public's safety. If such conditions exist at the close of the working day, a Police Officer(s) and/or sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night per the direction of the Director. The work shall be planned to avoid such conditions whenever possible.

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**MINUTES
7:30 PM EST**

**NOVEMBER 22, 2016
COUNCIL CHAMBERS**

**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 Rilling called the meeting to order at 7:36 p.m.

ROLL CALL.

Ms. King called the roll.

Council at Large: Mr. Richard Bonenfant Mr. Michael Corsello
Mr. Douglas Hempstead Mr. Nicholas Sacchinelli
Mr. Bruce Kimmel, Council President.

District A: Ms. Eloisa Melendez Mr. Steve Serasis
District B: Ms. Phaedrel Bowman
District C: Mr. John Kydes Ms. Michelle Maggio
District D: Ms. Shannon O'Toole-Giandurco Mr. Michael DePalma
District E: Mr. John Igneri

There were 13 Council Members present and two absent (Simms and Livingston). A quorum was present.

Also present were Mayor Harry Rilling, Attorney Mario Coppola, Corporation Counsel and Donna King, City Clerk.

ACCEPTANCE OF THE MINUTES.

Regular Meeting – October 24, 2016.

**** MR. IGNERI MOVED THE MINUTES OF OCTOBER 24, 2016.**

The following corrections were noted:

Page 1, under **ROLL CALL**: please add Mr. Douglas Hempstead in the **Council at Large** category and Ms. Michelle Maggio in **District C**.

Page 8, paragraph 1, line 1: after “way acquisition activities.” please add “Mr. Igneri noted that the agreement was a renewable 10 year agreement. Mr. Wright said that it was not a renewable agreement but a new 10 year agreement.”

Page 8, paragraph 3, line 1: please change the following from: “Mr. Coppola said that with a PAL, the Law Department” to “Mr. Coppola said that he attended a seminar the previous week and the 20% that were not happy were unhappy because of the price they were getting for their property.”

**** THE MOTION TO APPROVE THE MINUTES OF THE OCTOBER 24, 2016 MINUTES AS CORRECTED PASSED UNANIMOUSLY.**

Regular Meeting – November 7, 2016.

**** MR. IGNERI MOVED THE MINUTES OF NOVEMBER 7, 2016.**

The following correction was noted:

Page 1, under **ROLL CALL**: please add “Mr. Michael DePalma” in **District D**.

**** THE MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 7, 2016 MINUTES AS CORRECTED PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION.

Mr. Vic Paladino came forward and said that he was a resident. His family has owned property at the corner of Hanford Place and Water Street for over 65 years. He said that he was concerned about the changes at the intersection of Day Street and Washington Street project. Mr. Paladino said that he was concerned about the effects that raising the intersection of Raymond and Day Streets would have on the flooding on the nearby properties. It is a fairly common occurrence to have flooding on Water Street during excessive high tides or large amounts of rain. He spoke about the flooding that has happened in the past and was concerned about where all the water would go when the road elevations were changed.

He said that he had stopped by City Hall to speak to a number of people including Mr. Chimento, Ms. Burns and Ms. Marisa Diez had taken time to speak with him. Mr. Paladino had been told that both the EPA and HUD had reviewed the overall plan. He said that he had been told that the properties would not be adversely affected and hoped that this objective would be both realistic and factual. He thanked everyone for their time and said that he hoped this project would be a benefit to the community. Hew wished everyone a great Thanksgiving.

Mr. Cesar Ramirez came forward to speak about the Norwalk Housing Authority. He said that on behalf of Norwalk Housing, and the South Norwalk Community, he would like to thank everyone for the long hours of work to move the Washington Village project forward. He thanked the Mayor for his strong support of the project and said that this would impact so many peoples' lives. He invited everyone to come to the ground breaking ceremony on Monday, November 28, 2016.

Ms. Diane Cece of Olmstead Place came forward and said that she had sent a lengthy email to the Council about Item 7D1. When she arrived at City Hall, she found out that many of the Council Member had not received the email yet. Ms. Cece said that she would like to request that this item be tabled to the next meeting or sent back to Committee. She said that the description was vague but the actual item that was being discussed was police working at the construction sites. The back up information does not include any information from the Committee and does not give the public an understanding of which streets would need more police presence. There was also some discussion regarding whether this change would be cost neutral. Ms. Cece said that she had several questions and said that while this agenda item rises to the letter of the FOIA law, it does not rise to the spirit of the law. She wished everyone a Happy Thanksgiving.

Mayor Rilling asked if there was anyone else who wished to address the Council. Hearing none, he closed Public Participation portion of the meeting.

MAYOR.

RESIGNATIONS AND APPOINTMENTS:

Resignation: There were no resignations to consider at this time.

Appointment: There were no appointments to consider at this time.

Reappointment: There were no reappointments to consider at this time.

MAYOR'S REMARKS.

Mayor Rilling introduced his new assistant, Atty. Laoise King. Atty. King came forward and gave a brief overview of her work history as an attorney that included a position as the New Haven Deputy Chief of Staff; New Haven Public Schools Chief of External Affairs; Assistant New Haven Corporation Counsel; Denver, Colorado Assistant City Attorney and Staff Attorney for the National Association of Council for Children. For the last five years, she has worked for the United Way.

Atty. King said that she had been at City Hall for about a week and was very, very impressed with the staff. Many of the departments are working with fewer staff members than other cities and the employees were very efficient.

housing units being constructed and the impact that this would have on the infrastructure such as schools, along with Police and Fire Department services.

Mr. Serasis said that he represents the area and many of the local residents want a local train stop near Wall Street.

**** THE MOTION PASSED UNANIMOUSLY.**

D. ORDINANCE COMMITTEE.

1. Approve proposed revisions to Chapter 96, Excavations and Encroachments in Public Streets and Grounds.

**** MS. MELENDEZ MOVED THE ITEM.**

Mr. Sacchinelli said that there were still some questions that the residents had that should be considered. There were also several version of the revisions that need to be removed from consideration and the language needs to be clarified.

**** MR. SACCHINELLI MOVED TO TABLE THE ITEM.**

**** THE MOTION TO TABLE PASSED WITH NINE (9) IN FAVOR (BONENFANT, CORSELLO, HEMPSTEAD, SACCHINELLI, DEPALMA, KYDES, O'TOOLE-GIANDURCO, IGNERI AND MELENDEZ); TWO (2) OPPOSED (KIMMEL AND MAGGIO) AND TWO (2) ABSTAINED (SERASIS AND BOWMAN).**

MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed motions from the Council floor at this time.

SUSPENSION OF RULES

There were no suspensions of the rules to consider at this time.

ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:31 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Sapienza, Matt

From: Barron, Robert
Sent: Thursday, January 12, 2017 2:11 PM
To: Asmani, Lunda
Cc: Sapienza, Matt; Chimento, Bruce J.; Kulhawik, Thomas; Melendez, EloisaM
Subject: Emailing: POLICE EXTRA-22NOV16
Attachments: POLICE EXTRA-22NOV16.pdf

Lunda,

For your Ordinance meeting on the 17th in the Personnel Conference Room, I provide the attached 3-year trend of the hours, rates and categories of pay for Police Extra Work.

- For officers working on city jobs, the officer gets his/her straight overtime rate, which in FY 2015-16 averaged \$64.88/hour
- For officers working on vendor jobs
 - The officer gets \$61.00/hour, and
 - 1.5 times that rate or \$91.50 for Holiday and Overtime (jobs>8 hours)
 - A Supervisor gets an extra \$2.00/hour or \$63.00/hour
- The city bills a 15% surcharge for all vendor hours, for example:
 - The city pays the officer for 1.0 hour of work on a vendor job \$61.00
 - The city then bills the vendor for \$70.15 (\$61.00 * 1.15)

I've avoided estimating the increased number of hours generated by the various ordinance language changes because this is best determined by the DPW folks who engage the services of their own staff and outside vendors. I have provided the below analysis in the past, for a wide range of scenarios, i.e. a 5% increase in cost to a 25% increase in cost to the city. The city is roughly at break-even as the extra cost to the city is offset by the extra revenue it receives from the vendor, specifically:

DESCRIPTION	HOURS	PAY/HOUR	PAY
CITY	6,801.50	\$ 64.88	\$ 441,286.65
VENDOR	45,331.00	\$ 64.04	\$ 2,903,158.21
TOTAL	52,132.50	\$ 64.15	\$ 3,344,444.86
Revenue (15% Vendor)			\$ 435,473.73
HYPOTHETICAL INCREASE			
5% (city cost)	340.08	\$ 64.88	\$ 22,064.33
5% (city revenue)			\$ 21,773.69
Net Impact			\$ (290.65)
25% (city cost)	1,700.38	\$ 64.88	\$ 110,321.66
25% (city revenue)			\$ 108,868.43
Net Impact			\$ (1,453.23)

Regards,

Bob

City of Norwalk, Connecticut
POLICE EXTRA DUTY TREND
11/22/2016 Common Council Meeting

2015-16				
DESCRIPTION	HOURS	PAY	PAY/HOUR	
CITY				
CITY EXTRA WORK (OT)	6,801.50	\$ 441,286.65	\$ 64.88	
	13.0%	13.2%		
VENDOR				
GRANTS	4.00	\$ 244.04	\$ 61.01	
REGULAR	40,746.00	\$ 2,485,010.24	\$ 60.99	
GRANT OVERTIME	-	\$ -	\$ -	
HOLIDAY REGULAR	646.00	\$ 59,121.92	\$ 91.52	
OVERTIME (JOBS > 8 HRS.)	3,890.50	\$ 355,978.05	\$ 91.50	
SUPERVISOR	44.50	\$ 2,803.96	\$ 63.01	
SUPERVISOR OVERTIME	-	\$ -	\$ -	
	57.0%	56.8%		
TOTAL	52,132.50	\$ 3,344,444.86	\$ 64.15	
	100.0%	100.0%		
Total Officers				
Total Hours	52,132.50		52,132.50	158
Total Pay		\$ 3,344,444.86		
Avg. Rate/Hour		\$	\$	64.15
Avg. Hours/Officer				
Avg. Pay/Officer		\$	\$	329.95
Avg. Rate/Hour		\$	\$	21,167.37
				64.15
TOP-20				
RUSSELL OUELLETTE	1,183.00	\$ 75,728.84	\$ 64.01	
GREGG SCULLY	1,130.00	\$ 73,167.20	\$ 64.75	
GEORGE DALEY	1,025.00	\$ 66,014.02	\$ 64.40	
PETER LAPAK	900.00	\$ 60,033.91	\$ 66.70	
HECTOR DELGADO	903.50	\$ 57,049.44	\$ 63.14	
DAVID NIEVES	897.00	\$ 56,488.23	\$ 62.97	
SHOUBERT PAULEMON	885.00	\$ 56,189.62	\$ 63.49	
KRISTINA LAPAK	832.50	\$ 53,395.30	\$ 64.14	
MARK SUDA	818.50	\$ 51,221.40	\$ 62.58	
MICHAEL SILVA	800.00	\$ 51,037.46	\$ 63.80	
RONALD PALMER	759.50	\$ 48,641.20	\$ 64.04	
JAVIER MOGOLLON	731.00	\$ 47,382.48	\$ 64.82	
JONATHAN ZAVITZ	730.00	\$ 46,605.01	\$ 63.84	
DANIEL VAZQUEZ	716.50	\$ 45,721.56	\$ 63.81	
ANTHONY DEPANFILIS	719.00	\$ 44,972.68	\$ 62.55	
ANDREW GREEN	716.00	\$ 44,701.22	\$ 62.43	
MICHAEL DIMEGLIO	702.50	\$ 44,648.73	\$ 63.56	
MARC LEPORE	654.50	\$ 44,222.23	\$ 67.57	
PAUL WARGO	656.00	\$ 41,284.69	\$ 62.93	
PETER WHITE	625.50	\$ 40,897.76	\$ 65.38	
TOTAL	16,385.00	\$ 1,049,402.98		
	31.4%	31.4%		
			% of Officers	12.7%

2014-15				
DESCRIPTION	HOURS	PAY	PAY/HOUR	
CITY				
CITY EXTRA WORK (OT)	5,970.00	\$ 372,179.13	\$ 62.34	
	11.6%	11.8%		
VENDOR				
GRANTS	-	\$ -	\$ -	
REGULAR	41,126.50	\$ 2,387,398.58	\$ 58.05	
GRANT OVERTIME	-	\$ -	\$ -	
HOLIDAY REGULAR	752.00	\$ 64,946.76	\$ 86.37	
OVERTIME (JOBS > 8 HRS.)	3,318.50	\$ 289,333.23	\$ 87.19	
SUPERVISOR	85.00	\$ 5,042.20	\$ 59.32	
SUPERVISOR OVERTIME	-	\$ -	\$ -	
	86.4%	86.4%		
TOTAL	51,252.00	\$ 3,118,899.90	\$ 60.85	
	100.0%	100.0%		
Total Officers				
Total Hours	51,252.00		51,252.00	151
Total Pay		\$ 3,118,899.90		
Avg. Rate/Hour		\$	\$	60.85
Avg. Hours/Officer				
Avg. Pay/Officer		\$	\$	339.42
Avg. Rate/Hour		\$	\$	20,554.97
				60.85
TOP-20				
ASHLEY GONZALEZ	1,088.50	\$ 70,321.40	\$ 64.60	
RUSSELL OUELLETTE	1,007.00	\$ 61,611.90	\$ 61.18	
DAVID NIEVES	974.50	\$ 58,681.86	\$ 60.22	
GREGG SCULLY	967.50	\$ 58,338.75	\$ 60.30	
GEORGE DALEY	881.50	\$ 54,572.18	\$ 61.91	
PETER LAPAK	846.25	\$ 52,665.32	\$ 62.23	
MICHAEL DIMEGLIO	842.00	\$ 50,989.36	\$ 60.56	
WILLIAM ZAVODJANCIK	799.00	\$ 49,895.00	\$ 62.45	
RONALD PALMER	761.00	\$ 46,966.89	\$ 61.72	
SHOUBERT PAULEMON	761.50	\$ 45,926.16	\$ 60.31	
MARC LEPORE	718.50	\$ 45,732.30	\$ 63.65	
THOMAS MATTERA	630.00	\$ 42,804.44	\$ 67.94	
HECTOR DELGADO	706.50	\$ 42,420.65	\$ 60.04	
MICHAEL SILVA	672.50	\$ 41,520.42	\$ 61.74	
PRAVEEN JOHN	670.00	\$ 41,275.81	\$ 61.61	
JAVIER MOGOLLON	677.50	\$ 40,834.43	\$ 60.27	
KRISTINA LAPAK	666.00	\$ 39,723.88	\$ 59.65	
ANDREW GREEN	652.00	\$ 38,758.80	\$ 59.45	
MARK SUDA	639.50	\$ 38,033.70	\$ 59.47	
PAUL WARGO	620.00	\$ 37,255.90	\$ 60.09	
TOTAL	15,581.25	\$ 958,329.15		
	30.4%	30.7%		
			% of Officers	13.2%

2013-14				
DESCRIPTION	HOURS	PAY	PAY/HOUR	
CITY				
CITY EXTRA WORK (OT)	5,781.00	\$ 351,892.00	\$ 60.87	
	11.0%	11.1%		
VENDOR				
GRANTS	40.00	\$ 2,292.80	\$ 57.32	
REGULAR	41,626.50	\$ 2,386,030.98	\$ 57.32	
GRANT OVERTIME	-	\$ -	\$ -	
HOLIDAY REGULAR	655.00	\$ 56,316.90	\$ 85.98	
OVERTIME (JOBS > 8 HRS.)	4,389.50	\$ 377,409.21	\$ 85.98	
SUPERVISOR	56.50	\$ 3,351.58	\$ 59.32	
SUPERVISOR OVERTIME	5.00	\$ 444.90	\$ 88.98	
	53.0%	53.9%		
TOTAL	52,553.50	\$ 3,177,738.37	\$ 60.47	
	100.0%	100.0%		
Total Officers				
Total Hours	52,553.50		52,553.50	154
Total Pay		\$ 3,177,738.37		
Avg. Rate/Hour		\$	\$	60.47
Avg. Hours/Officer				
Avg. Pay/Officer		\$	\$	341.26
Avg. Rate/Hour		\$	\$	20,634.66
				60.47
TOP-20				
ASHLEY GONZALEZ	1,094.75	\$ 70,563.75	\$ 64.46	
RUSSELL OUELLETTE	1,117.00	\$ 67,679.32	\$ 60.59	
GREGG SCULLY	1,037.00	\$ 63,895.15	\$ 61.62	
PETER LAPAK	916.00	\$ 57,908.05	\$ 63.22	
GEORGE DALEY	897.50	\$ 54,781.93	\$ 61.04	
SHOUBERT PAULEMON	825.00	\$ 49,841.73	\$ 60.41	
PAUL LARSEN	787.50	\$ 49,256.05	\$ 62.55	
WILLIAM ZAVODJANCIK	776.00	\$ 49,254.07	\$ 63.47	
PRAVEEN JOHN	776.00	\$ 48,280.67	\$ 62.22	
DAVID NIEVES	802.50	\$ 48,212.44	\$ 60.08	
MICHAEL SILVA	786.50	\$ 47,813.62	\$ 60.79	
THOMAS MATTERA	699.50	\$ 47,160.01	\$ 67.42	
HECTOR DELGADO	758.00	\$ 45,870.37	\$ 60.52	
MARC LEPORE	712.00	\$ 44,223.62	\$ 62.11	
MARK SUDA	750.00	\$ 43,723.56	\$ 58.30	
KRISTINA LAPAK	691.50	\$ 41,872.26	\$ 60.55	
MICHAEL DIMEGLIO	684.00	\$ 41,198.42	\$ 60.23	
JAVIER MOGOLLON	636.00	\$ 38,409.98	\$ 60.39	
MARK EDWARDS	603.50	\$ 36,886.34	\$ 61.12	
RONALD PALMER	595.50	\$ 35,839.71	\$ 60.18	
TOTAL	15,945.75	\$ 982,671.05		
	30.3%	30.8%		
			% of Officers	13.0%

McCann, Brian

From: McCann, Brian
Sent: Wednesday, November 16, 2016 4:11 PM
To: Corsello, Michael
Cc: Kimmel, Bruce I.; Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Hempstead, Doug; Yeosock, Mike; Barron, Robert
Subject: RE: Extra Work Ordinance
Attachments: POLICE EXTRA-4504.xlsx; capital cost estimate for police.docx

This is definitely not true. If all City capital improvement projects were completely exempt then the City would pay \$0.00 dollars for police extra work and would collect 15% on the existing \$2,800,000 worth of extra police work billed (\$420,000) and some additional 15% administrative fees because we are expanding the requirement to automatically include 3 different classifications of streets – so if we create 20% more extra duty jobs that would collect an additional \$84,000. That is NOT cost neutral – that is revenue creating (+\$504,000).

If you remember from Mike Yeosock's email on October 26th he estimated an approximate \$50,000 cost if police were required for capital projects (**prior to** excluding City Collector road from the Ordinance). I will cut and paste in here and also include the attachment to that email:

Brian,

Attached is copy of what I prepared as a probable cost impact for capital projects. It may err on the high side because on most State funded grant projects and some City projects we use police anyway. If we are able to legally exempt the City from the 15% surcharge, the difference between the cost of flagmen and police probably wouldn't be a very big number, maybe \$50k.

Mike

Michael M. Yeosock, PE, DWre, GISP, EnvSP, STP
Assistant Principal Engineer
Norwalk, CT Department of Public Works
125 East Avenue
Norwalk, CT 06851
203-854-7844
myeosock@norwalkct.org

As a point of clarification, you will see a \$225,000 figure in the attachment. There reason for the discrepancy between that figure and his estimation of \$50,000 in the body of the email is due to reimbursement (and expected future reimbursement of capital projects) under State grants.

I have forwarded you all the emails that I have received on this topic and attempted to answer all of your questions given the time that I have had – considering I tried 3 multiple day trials in New Britain since our last OC meeting.

As I have previously stated, it was definitely a little unusual and awkward to have a meeting without the OC wherein OC business was being discussed – however. I did not call this meeting, I was invited and was therefore reluctant to send you proposed changed as a “draft”. Instead, I opted to print out the suggestions which resulted from that meeting and present them to you, in person, where I can explain to you all exactly how and why they were arrived at.

Regards,
Brian

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901

From: Corsello, Michael
Sent: Wednesday, November 16, 2016 2:24 PM
To: McCann, Brian
Cc: Kimmel, Bruce I.; Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Hempstead, Doug
Subject: Extra Work Ordinance

Prior to last night's meeting and prior to being informed as to the finance department's position I attempted to call Bob Barron, he was unavailable, but left me a voice message this morning. He stated that with the elimination of "city capital projects" from the ordinance it became cost neutral. I interpret that to mean he was referring to the proposed ordinance which we were provided prior to last night's meeting, not the ordinance with the additional revision which was presented at the meeting itself. His opinion was not in reference to the Ordinance we actually voted upon, rather it addressed the prior draft. This was not made clear at all. Thus, the merit of Shannon's comment to the effect that if a discussion were held by interested parties regarding the ordinance we should have at least had the parties present and available for inquiry.

I recognize that cost is not the only issue relative to this ordinance, but if there is a cost to taxpayers I should be aware of it so I can weigh it against the benefits. This was not done. I was clearly operating and voting under the assumption of cost neutrality. I don't feel responsible for my misunderstanding, and I'm not implying a nefarious intention to mislead, however once again conflicting, confusing and inaccurate information, was presented regarding the game of "musical chairs" which has been a hallmark of this proposed ordinance.

The defects in the process under which this ordinance was passed by our committee, are disheartening to say the least. They should be addressed and this matter should be sent back to committee prior consideration by the full Council.

Sorry to appear annoyed, but I am.

Mike

On Nov 15, 2016, at 1:55 PM, michael corsello <mrccorsello@norwalkct.org> wrote:

Thanks for following up.

On Nov 15, 2016, at 12:56 PM, McCann, Brian <BMcCann@norwalkct.org> wrote:

Yes. I met with the Mayor, Chief Kulhawik, Sgt. Orr, Bruce Chimento, Mike Yeosock, and Bob Barron. At that meeting we came up with the possible suggestion that we remove City Collector and State Limited Access Highway streets from the "automatic" police detail category, and also leave City Capital Improvement Project off of the "exceptions" (to police detail). See draft ordinance attached.

I do remember Bruce and Mike saying that this 'should' cut the cost significantly and possibly make the ordinance cost neutral.

In other news – we have had a mass exodus of invited guests in the last 24 hours. Despite confirming attendance previously, I received news that Mike Yeosock, Bob Barron, Kathy Hebert and Dick Brescia will not be joining us tonight. We should have most of the data we need for a decision on the Police Extra Work ordinance; however, not having Kathy and Dick is going to be a problem for our Parking Authority discussion.

Regards,
Brian

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901

From: Bruce Kimmel [<mailto:brucekim@optonline.net>]
Sent: Tuesday, November 15, 2016 12:58 PM
To: Corsello, Michael; McCann, Brian
Cc: Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Hempstead, Doug
Subject: Re: Newest version

From what I've heard, the Mayor held a meeting in City Hall with all parties, including finance, and that they are on board. I also heard that removal of collector streets from the list cut the cost sufficiently. We can double check tonight.

Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "Corsello, Michael" <mrcorsello@norwalkct.org>
Date: 11/15/16 10:54 AM (GMT-06:00)
To: "McCann, Brian" <BMcCann@norwalkct.org>
Cc: "Livingston, Thomas P." <tplivingston@norwalkct.org>, "Giandurco, Shannon O'Toole" <otoole.shannon10@gmail.com>, "Melendez, EloisaM" <eloisa.melendez@hotmail.com>, "Hempstead, Doug" <dhempstead@hotmail.com>, "Kimmel, Bruce I." <brucekim@optonline.net>
Subject: Re: Newest version

It appears that an engineer from DPW has opined that the current version of the

“extra work ordinance “ is essentially cost neutral to the City and will result in nominal if any costs to homeowners. Does the Finance Department concur?

On Nov 11, 2016, at 10:25 AM, McCann, Brian
<BMcCann@norwalkct.org> wrote:

Here it is. Sorry about the bad copy. I was on trial most of last 2 weeks so Ive been out of the office. You can ignore the highlights for now.

Regards,
Brian

Sent via the Samsung Galaxy S® 6, an AT&T 4G LTE smartphone

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901

<Extra Police Work final.docx>

<Extra Police Work final.docx>

ORDINANCE IMPACT ON DPW CAPITAL PROJECTS

State wide, according to CT DOT 2016 weighted item estimating guide, the cost of police officers is about \$20 more per hour than certified flaggers, \$75/hour for police officers compared to \$55/hour for certified flagmen (see attachment). This is comparable to what we find in our bids and the justification for the numbers used below.

Below is a sample of typical projects that the Department has undertaken in the last 5 years and the number of hours for police traffic control required on these projects. The hours for police traffic controlled ranged from about 600 hours to 2500 hours for a mean average of 1255 hours, equating to an average additional \$25,100 in cost per project. Projects selected above range from typical sidewalk projects to road paving to traffic signals. At a typical average of 9 construction projects per year, this could amount to an increase in our annual construction project costs of around \$225,000.

102-351 West Avenue Crosswalks – 1097 hours @ \$20/hr	\$21,940.00	
102-335 ARRA –MLK Paving – 586 hours @ \$20/hr	\$11,720.00	
102-337 Traffic Signal Upgrade – Phase I – 2468 hours @ \$20/hr	\$49,360.00	– STATE
102-329 Strawberry Hill Avenue - 650 hours @ \$20/hr	\$13,000.00	
102-341 Ponus Avenue – 638 hours @ \$20/hr	\$12,760.00	
102-326 Traffic Signal Upgrade – Phase II – 1450 hours @ \$20/hr	\$29,000.00	– STATE
102-334 West Avenue Traffic Signal Upgrade – 1900 hours @ \$20/hr	\$38,000.00	– STATE

This analysis doesn't address the impact to either DPW's Highway or the WPCA's operating costs as that analysis was undertaken separately.

2015 Projects

Road Paving (2 contracts)
General Drainage
Curbs & Sidewalks
Cracksealing
Permanent Patch
Monroe Street
MLK Staircase
Beacon Street Interceptor

2016 Projects

Road Paving (2 contracts)
General Drainage
Curbs & Sidewalks
Cracksealing
Permanent Patch
West Avenue Crosswalks/Street Light Replacement
Perry Avenue Bridge
Fodor Farm Drainage Improvements

Anticipated 2017 Projects

Road Paving (2 contracts)
General Drainage
Curbs & Sidewalks
Cracksealing
Permanent Patch
Washington Street
Roton SRTS
Traffic Signal Upgrade
Perry Avenue Bridge

EXPENSE CHARGES FROM PAYCODES 754-762 FOR POLICE EXTRA WORK

Description	2015-16	2014-15	2013-14	2012-13	2011-12
Hours	52,132.50	51,252.00	52,553.50	47,115.75	45,419.13
Actual Pay	\$ 3,344,444.86	\$ 3,118,899.90	\$ 3,177,738.37	\$ 2,860,349.46	\$ 2,735,619.62
Avg. Rate/Hr.	\$ 64.15	\$ 60.85	\$ 60.47	\$ 60.71	\$ 60.23

REVENUE ACCOUNT 4504 POLICE EXTRA WORK SURCHARGE

Month	2015-16	2014-15	2013-14	2012-13	2011-12
July	\$ 42,476.16	\$ 31,609.19	\$ 51,782.38	\$ 28,675.33	\$ 13,737.22
August	\$ 26,355.91	\$ 71,521.01	\$ 21,034.75	\$ 28,275.06	\$ 23,126.66
September	\$ 28,815.54	\$ 37,064.71	\$ 45,082.60	\$ 19,434.73	\$ 22,600.01
October	\$ 34,730.95	\$ 48,297.44	\$ 44,818.17	\$ 32,761.20	\$ 19,190.78
November	\$ 50,006.92	\$ 33,745.98	\$ 30,699.52	\$ 44,856.10	\$ 20,628.89
December	\$ 38,769.00	\$ 72,425.08	\$ 40,064.49	\$ 24,329.27	\$ 28,078.17
January	\$ 53,661.34	\$ 21,102.95	\$ 22,419.25	\$ 45,967.05	\$ 19,919.53
February	\$ 27,090.15	\$ 17,793.74	\$ 23,801.49	\$ 18,500.28	\$ 32,253.52
March	\$ 31,255.29	\$ 13,219.55	\$ 13,433.21	\$ 29,306.71	\$ 16,658.21
April	\$ 37,356.53	\$ 18,040.33	\$ 22,864.29	\$ 17,327.90	\$ 21,147.69
May	\$ 22,028.80	\$ 38,186.59	\$ 39,113.97	\$ 32,188.78	\$ 12,074.96
June	\$ 36,285.78	\$ 31,302.06	\$ (524.74)	\$ (32,845.45)	\$ 29,176.64
EOY Adjustments	\$ (3,896.38)	\$ (86,591.09)	\$ 806.81	\$ (22,247.49)	\$ 4,520.01
Total	\$ 424,935.99	\$ 347,717.54	\$ 355,396.19	\$ 266,529.47	\$ 263,112.29
Fee Charged	15.0%	15.0%	15.0%	15% & 12.5%	12.5%

Calculated Pay	\$ 2,832,906.60	\$ 2,318,116.93	\$ 2,369,307.93	\$ 1,852,796.99	\$ 2,104,898.32
% Fee Based	84.7%	74.3%	74.6%	64.8%	76.9%

Sapienza, Matt

From: Candela, Brian
Sent: Friday, January 06, 2017 11:47 AM
To: Sapienza, Matt
Subject: FW: Protective Measures Ordinance 300' buffer map
Attachments: ProtectiveMeasuresOrdinance_300'_24x36.pdf

From: McCann, Brian
Sent: Wednesday, December 07, 2016 10:07 AM
To: Candela, Brian
Subject: FW: Protective Measures Ordinance 300' buffer map

Brian L. McCann, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7750
Fax: (203) 854-7901

From: Burns, Lisa
Sent: Thursday, December 01, 2016 3:32 PM
To: Ignieri, John E.; Chimento, Bruce J.
Cc: McCann, Brian; Yeosock, Mike
Subject: Protective Measures Ordinance 300' buffer map

Attached is a map of the areas requiring Police as flaggers per the draft ordinance. It was prepared by the City's GIS Analyst, Steven Birney.

It may be useful in your discussions. Please feel free to circulate.



City of Norwalk Protective Measures Ordinance

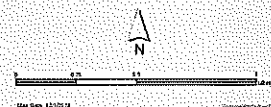
Legend

- School
- Fire stations

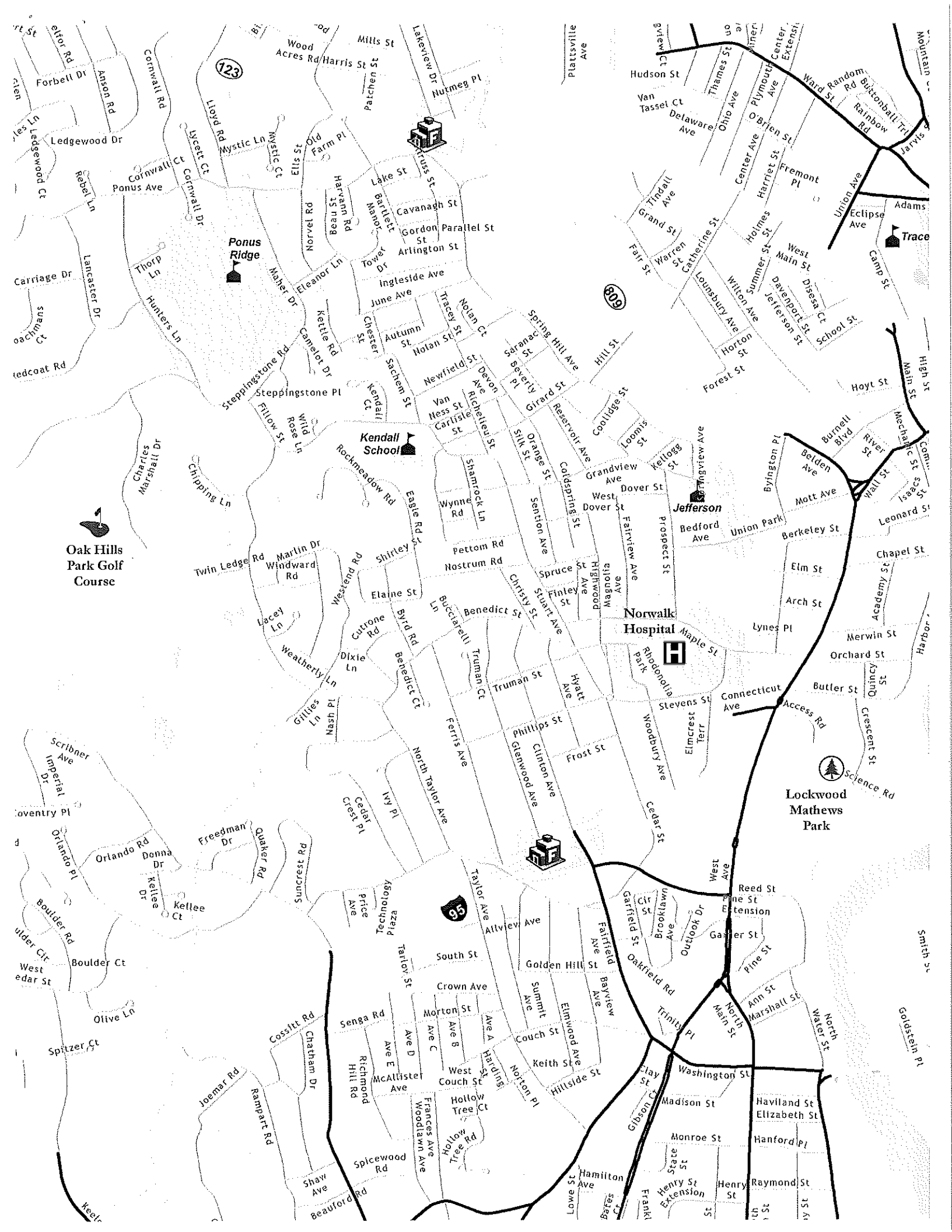
Protective Measures Ordinance 300' Buffer

Road Type

- MAJOR ARTERIAL
- MINOR ARTERIAL



Map Date: 12/10/14



Senior and Disabled Tax
Relief
(Norwalk City Code §§ 103-5,
et seq.)

Chapter 103. Taxation

Article III. Tax Relief for the Elderly and Disabled Homeowners

§ 103-5. Enactment; purpose.

The City of Norwalk hereby enacts a tax relief program for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the City of Norwalk, on the terms and conditions provided herein. This ordinance is enacted for the purpose of assisting elderly and disabled homeowners with a portion of the costs of property taxation.

§ 103-6. Eligibility.

Any resident of the City of Norwalk who qualifies under the following requirements is eligible for property tax relief with respect to real property owned and occupied by such person as his or her principal residence.

A.

Such resident is 65 years of age or over or his or her spouse, who is living with such resident, is 65 years of age or over; or such resident is 60 years of age or over and is the surviving spouse of a taxpayer who was qualified in the City of Norwalk under this ordinance at the time of his or her death, with respect to real property on which any such resident or spouse is liable for taxes under the provisions of § 12-48 of the Connecticut General Statutes; or

B.

Such taxpayer is under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and, accordingly, has not qualified for benefits thereunder, but has qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act, and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to the requirements under social security; and provided that

C.

Such person shall have been a taxpayer of the City of Norwalk and have paid taxes for a period of five years immediately prior to his or her receipt of tax relief under this ordinance. No tax relief shall be given under this ordinance to any person who owes delinquent taxes to the City of Norwalk.

D.

The property for which the tax relief is claimed is the legal domicile of such person and is occupied more than 200 days of each year by such person.

E.

Such person shall have applied for property tax relief under any state statutes for which he or she is eligible; or if such person has not applied for tax relief under any state statutes because he or she is not eligible, he or she shall so certify by filing a form acceptable to the Tax Collector swearing to his or her ineligibility under current qualification requirements.

F.

All permanent residents in the domicile who are aged 25 years and older and who occupy such domicile for more than 200 days of each year shall have combined annual aggregate adjusted gross income as defined in the Internal Revenue Code of 1954, as amended, plus tax exempt interest per Section 103 of the Internal Revenue Code of 1954, as amended, dividend exclusions as set forth in Section 116 of the Internal Revenue Code of 1954, as amended, social security benefits, railroad retirement benefits and income from other tax-exempt sources of an amount less than 127.77% ~~424.45%~~ of the maximum qualifying income defined in Connecticut General Statutes, Section 12-170aa, For the Grand List of October 1, 1999, this amount shall be \$33,500. The amount shall be adjusted annually as provided by Section 12-170aa(2) for the calendar year immediately preceding the year for which tax relief is sought and shall be posted in the office of the Assessor.
[Amended 3-27-2001; 4-12-2016]

§ 103-7. Filing of application.

A.

In order to be entitled to the benefits provided herein, an application must be filed with the Assessor not earlier than February 1 nor later than May 15 of each odd-numbered year so that these benefits shall be available to the taxpayer in the next following two fiscal years. This application for such tax relief must be acted on in accordance with the eligibility standards hereinabove set forth. The Assessor is empowered to require all necessary documents to determine eligibility, and the withholding of such information, if reasonably available, shall be sufficient reason for the denial of tax relief.
[Amended 5-28-2002; 10-28-2014]

B.

For tax relief on the Grand List of 1999, applications must be filed no later than October 27, 2000, and for tax relief on the Grand List of 2000, applications must be filed no later than April 15, 2001. Application for tax relief filed prior to the passage of this amendment shall automatically be eligible for the increased tax relief provided herein for the Grand List of 1999 and the increased relief provided herein shall be applied retroactively by the Assessor on such applications.

§ 103-8. Limits of tax relief.

No property tax relief provided for any person shall exceed, in the aggregate, 75% of the tax which would, except for benefits provided by state statutes and the within program, be laid against said person.

§ 103-9. Maximum credits.

The total tax relief granted under the provisions of this program shall not exceed an amount equal to 1/2 of 1% of the total property tax assessed in Norwalk in the preceding fiscal year.

§ 103-10. Benefits to be prorated.

Only one tax credit shall be allowed for each parcel of real property eligible for tax relief under the within program. In the event that title to real property is recorded in the name of the taxpayer or his or her spouse, who are eligible for tax relief, and any other person or persons, the tax relief under the within program shall be prorated to allow tax relief equivalent to the fractional share in the

property of such taxpayer or spouse, and the person or persons not eligible shall not receive any tax credit.

§ 103-11. Effect on other tax benefits.

The tax relief granted to any person under the within program shall not disqualify such person with respect to any benefits for which such person is eligible under state statutes, and any tax relief provided under the within ordinance shall be in addition to any such benefits.

§ 103-12. Amount of benefits; annual adjustment.

[Amended 3-27-2001; 4-27-2004; 2-26-2008; 3-22-2011; 10-28-2014; 4-12-2016]

Any individual or married couple eligible for tax relief as provided by this article, having income as provided in § 103-6F of this article, shall be entitled to tax relief as follows:

A.

For the 2016~~2014~~ grand list and all subsequent tax years:

(1)

Tier 1: 108.50~~100~~% of maximum qualifying state income: \$1,400~~1,390~~.

(2)

Tier 2: 108.51~~100.04~~% to 127.77~~124.45~~%; \$750, except that, if the maximum credits granted under the provisions of this program shall exceed an amount equal to 1/2% of the total property tax assessed in Norwalk in the preceding fiscal year, then the amount of benefits for Tier 2 shall be adjusted by subtracting the total amount of benefits for Tier 1 from the maximum tax relief allowed under the program pursuant to § 103-9, leaving a balance of tax relief available to Tier 2. The amount of benefits for each Tier 2 recipient shall be calculated by dividing the remaining funding for tax relief available to Tier 2 by the total number of eligible persons in Tier 2.