

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

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at norwalkct.gov/meetings

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I. ROLL CALL

II. ACCEPTANCE OF MINUTES

Regular Meeting: November 14, 2023
Special Meeting: November 21, 2023

III. PUBLIC PARTICIPATION

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: Ashley Gulyas, Commission on the Status of Women

APPOINTMENTS:

REAPPOINTMENTS:

MAYOR'S REMARKS:

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

RESIGNATION AND APPOINTMENTS

RESIGNATIONS:

APPOINTMENTS:

REAPPOINTMENTS:

B. CONSENT CALENDAR:

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

1. Authorization to Discuss Claims:

In re Aqueous Film-Forming Foam Products Liability Litigation, MDL No. 2-18-mn-2873-RMG. City of Camden, et al. v. 3M Company, Case No. 2:23-cv-01314-RMG

In re Aqueous Film-Forming Foam Products Liability Litigation, MDL No. 2-18-mn-2873-RMG. City of Camden, et al. v. DuPont, Case No. 2:23-cv-03230-RMG

EXECUTIVE SESSION

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Harry W. Rilling, to enter into an agreement with the City of Norwalk's Recreation & Parks Department for the use of Veteran's Park and immediate surrounding grounds for their 31st Annual Fitness Fun Run to be held on Saturday, December 2nd, 2023, from 10:00 AM to 11:00 AM with a rain date of Sunday, December 3rd, 2023. Setup to begin at 8:30 AM with teardown no later than 12:00 PM. Approximately 700 people.

2. Authorize the Mayor, Harry W. Rilling, to enter into an agreement with the City of Norwalk's Recreation & Parks Department for the use of Calf Pasture Beach and immediate surrounding grounds by Norwalk Department of Recreation & Parks for their 3rd Annual Jingle Bell 5K to be held on Saturday, December 9th, 2023, from 9:30 A.M. to 11:30 A.M. Setup to begin at 8:30 A.M. with teardown no later than 12:00 P.M. Approximately 300 people.

3a. Authorize the Mayor, Harry W. Rilling, to execute a First Amendment to the April 24, 2020, Agreement for Professional Engineering Services between the City of Norwalk and Stantec Consulting Services, Inc., regarding the Broad River Park, for an amount not to exceed \$108,000.00 in accordance with the attached scope of services dated August 15, 2023.

Account No. 0921 6030 5777 C0658

3b. Authorize the Director of Recreation and Parks to issue change orders in an amount not to exceed \$10,800.00 for Professional Engineering Services with Stantec Consulting Services, Inc., regarding the Broad River Park.

Account No. 0921 6030 5777 C0658

B. PUBLIC SAFETY & GENERAL GOVERNMENT COMMITTEE

1. Authorize the Mayor, Harry W. Rilling, to enter into a memorandum of understanding with the town of New Canaan for acceptance of New Canaan Police Department prisoners for holding pending arraignment during the renovation of New Canaan Police Station.

VIII. RESOLUTIONS FROM COMMON COUNCIL

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

X. SUSPENSION OF RULES

XI. ADJOURNMENT

**COMMON COUNCIL REGULAR MEETING
NORWALK, CONNECTICUT**

**NOVEMBER 14, 2023
COUNCIL CHAMBERS AND
VIA TELECONFERENCE**

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

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Mayor Rilling called the meeting to order at 7:31 p.m. and led the Assembly in reciting the Pledge of Allegiance.

Mayor Rilling asked for a Moment of Silence in memory of Norwalk Deputy Fire Marshal Luca Feola, Norwalk Public Library Accounting Clerk Dawn Kravarik, and former Norwalk High School Band Director Jeff Smith.

I. ROLL CALL 11- Ms. Smyth, Mr. Kydes & Ms. Alterman absent;

Ms. Dixon called the Roll:

Council at Large:	Mr. Gregory Burnett Mr. Joshua Goldstein	Mr. Edwin Camacho Ms. Nora Niedzielski Eichner
District A:	Ms. Nicol Ayers	Mr. David Heuvelman (9:00 p.m.)
District B:	Ms. Diana Revolus	Ms. Darlene Young
District C:	Ms. Jenn McMurrer	
District D:	Mr. Bryan Meek	
District E:	Mr. James Frayer	Ms. Lisa Shanahan

At Roll Call there were eleven (11) Common Councilmembers present and four (4) absent (Ms. Smyth; Mr. Heuvelman; Mr. Kydes; Ms. Alterman. A Quorum was present.

Also present were Mayor, Harry Rilling; City Clerk, Irene Dixon and Corporation Counsel, Mario Coppola.

II. ACCEPTANCE OF MINUTES

Regular Meeting: October 24, 2023

**** MS. SHANAHAN MOVED TO APPROVE THE MINUTES AS PRESENTED
** MOTION PASSED UNANIMOUSLY**

Special Meeting: November 2, 2023

The following correction was made to the minutes:

Remove Ms. Niedzielski Eichner from being in attendance.

**** MS. MCMURRER MOVED TO APPROVE THE MINUTES AS CORRECTED
** MOTION PASSED WITH TWO (2) ABSTENTIONS (MS. SHANAHAN AND MS. NIEDZIELSKI EICHNER)**

III. PUBLIC PARTICIPATION

Mayor Rilling reminded the speaker that they had three minutes.

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted. Speakers are Norwalk residents unless otherwise noted. All comments, unless otherwise noted, were in response to item 7D1 –Approve New Ordinance; Leaf Blowers

Ms. Betty Ball, STPN spoke in support of the leaf blower ordinance and described the harmful effects of using gas powered leaf blowers. She also talked about the effects of the noise pollution. She said when the ordinance is passed, STPN will help with providing messaging and education.

Mr. Marty Dempsey spoke in opposition to the leaf blower ordinance and said the ordinance is not ready; there are so many outstanding questions. He said there are a lot of issues with this; the technology is not there. It is not fair to people trying to run a business. He said he has been in business for over 35 years and that down the road they would be willing to make changes, but the technology is not there. He noted that people want their grass and yards to look good.

Mr. Gene Conte, President Groundskeeper Association spoke in opposition to the leaf blower ordinance and asked the Common Council to hold off for better technology.

Ms. Lisa Henderson spoke in opposition to the leaf blower ordinance and said she forwarded her comments to the members of the Common Council today. She also asked that all public speakers be given the same amount of time to talk. She asked to vote down the ordinance and noted that it is difficult to follow. Ms. Henderson said that most minority business owners can barely make a living and this ordinance is discriminatory against small, minority owned businesses.

Mr. Brian DeMatto spoke in opposition to the leaf blower ordinance and said it will impact a lot of businesses. His landlord will not allow them to charge electric equipment in his building. He asked the Common Council members to think about what they are doing to these businesses. He said he employs 17 people and expressed concern that they would no longer have a job.

Ms. Louise Washer NRWS spoke in support of the leaf blower ordinance and said she heard from so many members of the public who want to see action as well as from people in Ridgefield. She said most of them understand that the gas powered leaf blowers cause pollution. California enacted a ban on the sale of gas powered leaf blowers starting in 2024. There are no interest loans available to business owners.

Ms. Betsy Wrenn spoke in support of the leaf blower ordinance and said she and her husband do not use leaf blowers, but instead rake their one acre yard. The neighbors use gas powered leaf blowers and she described the smell. She said it is objectional and added that in 2014 she wrote she was being driven mad by the noise. Ms. Wrenn said gas powered leaf blowers are the number one problem in Norwalk. She added that this is a mental health issue.

Mr. Yves Berlins spoke in support of the leaf blower ordinance and described the two cycle engines and said they produce pollutants.

Mr. Bill Wren spoke in support of the leaf blower ordinance and said he agreed with Ms. Wrenn. The stress from the noise is universal and added that it would be great to ban them completely.

Mr. Kevin Palinka, CT Lawn Inc. spoke in opposition to the leaf blower ordinance and said the technology is not there yet. The Fire Department has problems putting out lithium battery fires. In addition, there is nowhere to store these batteries. He said this should have been put on last week's ballot. It is going to be difficult to keep the City looking neat and clean. The equipment is not ready and is not as powerful as stated. The problem is where to store the equipment when the batteries are being charged. It is a very serious step to outlaw the gas powered leaf blowers.

Ms. Audry Cozzarian spoke in favor of the leaf blower ordinance and represented the voice of nature. She said that not every leaf is an enemy. She said she was sorry some landscapers will lose business, but nature does not have a voice.

Ms. Diane Lauricella spoke in support of the leaf blower ordinance and expressed her thanks to the Common Council and the City for spending time on this. She suggested putting this on hold because there is not enough in the ordinance about lithium battery fires. She said she would love to see wording in the Ordinance that states the type of battery and requested that the Fire Department weigh in. She suggested having a non lapsing fund to help the small businesses.

An individual (Dan) spoke in support of the leaf blower ordinance and said it is wonderful that a three year transition is being provided. He said he has been doing landscaping for 18 years and does not use gas leaf blowers. He uses electric leaf blowers and his business has grown year over year 30%.

Mr. Fred Zinzer spoke in opposition to the leaf blower ordinance and said he submitted his comments earlier today. He said he uses a backpack blower to pick up his leaves and paid \$400. An electric leaf blower at Aitoro is \$1,800 which is a hardship. He said he became curious about what other towns do and pulled the ordinances from surrounding towns. It is very clear they have no interest in banning gas powered leaf blowers, because they felt it would be a hardship for their residents. Norwalk would be the only town in the area passing a ban on gas powered leaf blowers. He said he contacted the Fire Marshall who said the lithium batteries are safe if people follow the instructions. If they don't follow instructions, it could result in a fire or worse.

There were no other members of the public who wished to comment this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS – there were no resignations or appointments announced this evening.

RESIGNATIONS:

APPOINTMENTS:

REAPPOINTMENTS:

MAYOR'S REMARKS:

Mayor Rilling Mayor Rilling acknowledged that this was the last meeting for Mr. Camacho, Mr. Heuvelman, Ms. Revulus, Mr. Kydes, Ms. Alterman and Mr. Meek. He thanked them for their service on the Common Council which was followed by a round of applause. Norwalk scored 100% on the HRC Foundation's 2023 Municipality Equality Index.

The Informational Session on Norwalk's 2023 Revaluation Project will take place virtually and in the Community Room at City Hall on Wednesday, November 15, 2023. A Norwalk Talks Housing Community Listening Session will be held on Thursday, November 16, 2023. The City will host its Holiday Extravaganza for the second time on November 25th from 3:00 p.m. – 8:00 p.m. on Washington Street. The Holiday Extravaganza will include family friendly events.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

Mr. Burnett extended his gratitude to the members of the Common Council and Mayor's staff for their service and support to the Council – this was followed by a round of applause. He highlighted The Council's milestones for the most recent term. Mr. Burnett also expressed his thanks for the support he received as Common Council President especially from the committee Chairs. He thanked Ms. Young and Majority Leader and Mr. Meek as Minority Leader.

Mayor Rilling announced that he offered Mr. Livingston the permanent position as Chief of Staff.

RESIGNATION AND APPOINTMENTS

RESIGNATIONS:

APPOINTMENTS:

REAPPOINTMENTS:

B. CONSENT CALENDAR:

Mr. Burnett announced that Ms. Niedzielski Eichner would be reading this evening's Consent Calendar.

**** MS. NIEDZIELSKI EICHNER MOVED TO APPROVE THE FOLLOWING
CONSENT CALENDAR:**

**VII.A.1, VII.A.2., VII.A.3, VII.A.4, VII.B.2, VII.B.3A, VII.B.3B, VII.B.5, VII.C.1,
VII.E.1, VII.E.2, VII.E.3, VII.E.4, VII.F.1**

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC SAFETY & GENERAL GOVERNMENT COMMITTEE

**1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE THE
RENEWAL CONTRACT WITH THE CONNECTICUT PARTNERSHIP PLAN
FOR HEALTH INSURANCE COVERAGE EFFECTIVE JANUARY 1, 2024.**

**2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND
ALL DOCUMENTS AND AGREEMENTS NECESSARY TO ACCEPT
GRANT FUNDING UNDER THE DEPARTMENT OF JUSTICE, OFFICE OF
COMMUNITY ORIENTED POLICING SERVICES, FY23 MICROGRANT -
COMMUNITY POLICING DEVELOPMENT SOLICITATION.**

**3. AUTHORIZE THE CHIEF OF POLICE, JAMES WALSH, TO EXECUTE ANY
AND ALL DOCUMENTS AND AGREEMENTS AS MAY BE NECESSARY TO
IMPLEMENT THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY
ORIENTED POLICING SERVICES, FY23 MICRO GRANT - COMMUNITY
POLICING DEVELOPMENT SOLICITATION.**

**4. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A
CONTRACT WITH RUSSELL AND DAWSON, INC. NOT TO EXCEED \$24,000.00
FOR STRUCTURAL ENGINEER AND ADMINISTRATIVE SERVICES ON THE
STATION 3 APPARATUS FLOOR REPLACEMENT PROJECT.
ACCOUNT NO. 09243110 5776 C0838**

B. ECONOMIC & COMMUNITY DEVELOPMENT COMMITTEE

1. AUTHORIZE THE COMPTROLLER'S OFFICE TO CREATE A NON-LAPSING SPECIAL REVENUE FUND ACCOUNT TO RECEIVE FUNDS, SPONSORSHIPS, AND DONATIONS FOR NEIGHBORHOOD CLEANUPS THAT CAN ONLY BE USED ON FUTURE OR CURRENT NEIGHBORHOOD IMPROVEMENT INITIATIVES. CONSENT TO TABLE

**2. AUTHORIZE THE CHIEF BUILDING OFFICIAL TO PURCHASE 20 GARBAGE CAN SETS FROM RECYCLE AWAY, LLC. VIA SOLE SOURCE PROCUREMENT IN THE AMOUNT OF \$53,992.40.
ACCOUNT NO. 530000 5776**

**3A. AUTHORIZE THE MAYOR, HARRY. W. RILLING, TO EXECUTE AN AGREEMENT WITH ARC SOUND. STAGE. LIGHTING. FOR PURCHASING PROJECT 4323 STAGE, LIGHTING, AND SOUND SERVICES FOR NORWALK HOLIDAY EVENTS FOR A TOTAL NOT TO EXCEED \$30,000.00.
ACCOUNT NO. 0924 3780 5777 C0680**

**3B. AUTHORIZE THE BUSINESS DEVELOPMENT & TOURISM DIRECTOR TO ISSUE CHANGE ORDERS ON THE CONTRACT FOR A TOTAL NOT TO EXCEED \$3,000.00; 10% OF THE TOTAL CONTRACT COST.
ACCOUNT NO. 0924 3780 5777 C0680**

4. AUTHORIZE THE COMPTROLLER'S OFFICE TO CREATE A NON-LAPSING SPECIAL REVENUE FUND ACCOUNT TO RECEIVE FUNDS, SPONSORSHIPS, AND DONATIONS FOR SPECIAL EVENTS THAT CAN ONLY BE USED ON FUTURE OR CURRENT SPECIAL EVENT EXPENSES. CONSENT TO TABLE

5. AUTHORIZE THE COMPTROLLER'S OFFICE TO CREATE A NON-LAPSING SPECIAL REVENUE FUND ACCOUNT TO RECEIVE FUNDS, SPONSORSHIPS, AND DONATIONS FOR THE ARTS AND CULTURAL DISTRICT AND THE ARTS AND CULTURAL DISTRICT COMMISSION IN ACCORDANCE WITH THE CITY OF NORWALK ORDINANCE CHAPTER 17A: ARTS AND CULTURE COMMISSION.

C. COMMUNITY SERVICES COMMITTEE

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS, OR AMENDMENTS WITH THE UNIVERSITY OF NEW HAVEN AS MAY BE NECESSARY TO ALLOW FOR STUDENTS IN THE UNIVERSITY'S GRADUATE AND UNDERGRADUATE PROGRAMS TO BE PLACED AT THE NORWALK

HEALTH DEPARTMENT FOR INTERNSHIPS AND STUDENT LEARNING OPPORTUNITIES.

E. FINANCE & CLAIMS COMMITTEE

1. REPORT OF THE CLAIMS COMMITTEE DATED: NOVEMBER 2023

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED: NOVEMBER 2023

3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORTS DATED: OCTOBER 2023

**4. AUTHORIZE THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO 443 TECHNOLOGIES, FOR SUPPLY OF A NUTANIX HCI SYSTEM, AN AMOUNT NOT TO EXCEED \$179,014.00.
ACCOUNT NO. 09235010 5777 C0112 (BUDGETED 2023/2024 IT CAPITAL ITEM)**

F. PUBLIC WORKS COMMITTEE

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ACCEPT SIDEWALK EASEMENTS NECESSARY TO INSTALL CURBS AND SIDEWALKS ON ROWAYTON AVENUE.

Mr. Heuvelman joined the meeting at 9:00 PM

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

C. COMMUNITY SERVICES COMMITTEE

**** MR. BURNETT MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS, OR AMENDMENTS AS MAY BE NECESSARY WITH MID-FAIRFIELD CHILD GUIDANCE CENTER, INC., MIDDLE SCHOOL MENTAL HEALTH INITIATIVE UNDER THE COMMUNITY SERVICES DEPARTMENT FOR THE PERIOD OF SEPTEMBER 1, 2023 – AUGUST 31, 2024, IN THE AMOUNT OF \$550,260.00.
ACCOUNT NO. 012010 5298**

Mr. Lamond Daniels, Chief of Community Services reviewed the request and explained that this is a one time grant to provide services for middle school students. Ms. Revolus asked if there was any space to help fund outside support. Mr. Daniels said this is a holistic approach where they work with families to make referrals for other services. In addition, they speak with families in their native language (Spanish and Haitian Creole). The goal is to make the families feel comfortable trying treating them in their own language.

Mr. Meek asked if this is an ARPA account. Mr. Daniels said it was not.

**** MOTION PASSED UNANIMOUSLY**

D. ORDINANCE COMMITTEE

**** MS. SHANAHAN MOVED TO APPROVE THE NEW ORDINANCE – LEAF BLOWERS**

Ms. Shanahan explained that during covid, she received a lot of complaints about the noise from the leaf blowers. The Ordinance Committee researched the impact and possible alternative uses. They spoke with landscapers and others and said Norwalk was not alone in restricting the use of gas leaf blowers.

The alternative would be electric leaf blowers. Ms. Shanahan read a 2023 article from *Consumer Reports* about leaf blowers. She said they heard a lot about the safety of lithium batteries and said they are safe enough for phones and cars. She highlighted the proposed ordinance.

Mr. Meek said this was outrageous and is a solution looking for a problem. This sticks it to the working man as well as incurring a lot of cost on them. He added that a lot of leafy neighborhoods do not have leaf pickup.

Mr. Meek said he uses an electric leaf blower on his front yard, but hires someone to do his back yard with a gas powered leaf blower. An electric leaf blower will double the cost. He said that part of the ordinance is they are going to enforce what OSHA recommends. He asked why the City was enforcing OSHA regulations and not OSHA. Mr. Meek said he would be voting no.

Ms. Niedzielski Eichner spoke in support of the ordinance and acknowledged the importance of the City serving as a role model. She said that part of why they chose this timeline was so more departments could meet the ordinance. She said they also reached out to the DPW to ensure contractors were wearing safety equipment and if not to file a complaint. Ms. Niedzielski Eichner emphasized the importance of safety and said that training will have to be provided for safe storage.

Ms. Niedzielski Eichner noted that the City is hiring more Blight Officers. She called out the Kiva Program that provides interest free loans to small businesses.

Ms. McMurrer said she was not against going electric when it makes sense, but this does not. She said it is not their role to exchange one problem for another. She expressed concern about the child labor used to mine the batteries. She said she did not believe in making a policy for the future. Ms. McMurrer noted that cost is a factor and the people this ordinance is trying to protect may be out of a job.

Ms. McMurrer said that if they move forward with this ordinance it will cost the City over \$300,000 for equipment; there are bigger priorities. She said neighbors will fight with each other. She said she was not against the time when the gas blowers could be used, but the noise ordinance is hard to enforce.

Ms. McMurrer said this ordinance does not make sense and will not support it.

Mr. Frayer spoke in support of the ordinance and said that in the public hearing they heard from experts about the alternative to gas blowers as well as from landscapers who were concerned about the impact on their livelihood. He referenced Mr. Camacho's amendment to look at the ordinance again in 2026.

Mr. Frayer said it was important to address the meeting in July and said they took a lot of the comments and made the ordinance better. He said he would be voting in support and noted if they vote tonight, there will be no ban, because they will have to vote in a few years.

Mr. Goldstein said they are waiting to see the new technology and waiting to see if the ban will take place. He said he will vote in support of the ordinance.

Ms. Ayers acknowledged the work of the Ordinance Committee, but said they fell short of engaging all of the community. She said she had about the reference to the Kiva Loan program, but most business will not be eligible for a loan. The will in no way give extra money to anyone in need who is not qualified. She said she heard her colleagues refer to the Camacho amendment, but it is a safe way to fail.

Ms. Ayers said the ordinance came out of noise, but there are other neighborhoods dealing with noise and there is no special ordinance for those neighborhoods. She said there is no funding to help people transfer their equipment. She said the Committee did a poor job of reaching out to the people who are directly affected by this and said she did not support this ordinance.

Mr. Camacho said this ordinance has the potential to be super expensive for the City and harsh on small companies as well. Business owners will have a hard time buying equipment. It is inevitable that this technology will become the norm and that is why he will vote in favor. The ordinance will not go into effect until September 1, 2026 or 2027. The burden is on the Common Council, but if in two years they determine it is not yet cost effective, the City will hopefully do its due diligence and will help the landscapers and the rest of the community to do what makes

sense at that time. If it is determined that the technology is not there , then this ordinance will lapse.

Mr. Camacho said this ordinance is aspirational and sends a signal to the landscaping community and homeowners as well as to the companies producing the equipment. He said he will vote yes, because there is enough in her that will require the Common Council to revisit the ordinance and vote in a way that facts will dictate in two years.

Ms. Revolus said she was against electric equipment and that this is a human rights issue, plus electric equipment is not sustainable. She said a lot of businesses are moving to propane or power water systems. She said she represents a community that can't afford to pay for this. She said if landscapers employed licensed employees they would not have this issue. Mr. DeMatto said he employs licensed landscapers. Mayor Rilling asked him to sit down.

Ms. Revolus said she was not ok using taxpayer money and added there are families who can't afford this. No one should be burdened by a few.

Ms. Young said her first inclination was that the burden was on the landscaper; however, adding the amendment to vote in two years helped her look at this from a different perspective. She said it is important to include the landscapers voices. Noise is an issue all over and she is comfortable with the flexibility in the ordinance. She suggested that landscapers participate in an ad ho committee to have a balanced conversation. The City should be a role model and take the lead. Ms. Young said she would support this ordinance and expressed her thanks to the Ordinance Committee members. She said if they are not there with the technology in two years, they will need to move on. The goal is to not put people out of business.

Mr. Burnett said approval of this puts the subject item on the table for further dialogue.

**** MOTION PASSED BY ROLL CALL VOTE WITH EIGHT (8) VOTES IN FAVOR (MR. BURNETT, MR. CAMACHO, MR. GOLDSTEIN, MS. NIEDZIELSKI EICHNER, MR. HEUVELMAN, MS. YOUNG, MR. FRAYER AND MS. SHANAHAN); THREE (3) VOTES IN OPPOSITION (MS. AYERS, MS. MCMURRER AND MR. MEEK AND ONE (1) ABSTENTION (MS. REVOLUS)**

**** MS. SHANAHAN MOVED TO APPROVE NEW ORDINANCE – AFFORDABLE HOURLING ACCOUNT ORDINANCE**

Ms. Shanahan expressed her thanks to Ms. Ayers and Ms. Niedzielski Eichner for their work on this ordinance.

Ms. Niedzielski Eichner explained that this ordinance allows the City to expend funds it receives under the work force housing initiative. She said the Committee was clear that the goal was the hard costs for the development of affordable housing. The Committee will work with

Planning and Zoning to create applicant criteria and will provide an annual report to the Common Council.

Ms. Niedzielski Eichner described the definition of affordable housing and how it plays a role for residents. She said the goal is to make Norwalk more affordable to all residents and to foster a livable community for all residents. Ms. Ayers said this is a process and affordable housing needs to be more diverse. They need to talk about homeownership and tiny houses. She urged the public to participate in public hearings and to make their voices heard.

Mr. Meek said he would be voting against the ordinance.

Mr. Meek congratulated the victors in the election and expressed his thanks for those who served.

Mr. Meek said this ordinance is government overreaching and does not address the problem. He compared this to a slush fund and said he would prefer to move this back to the Housing Authority or to Fair Rent and not create another department. He said they are failing the residents and will vote no.

Ms. Ayers responded to Mr. Meek's comments and said the ordinance does not create another department or a slush fund. She said there are people who want to stay in the community, but can't. She said they can't turn a blind eye to them.

Ms. Niedzielski Eichner provided clarification and said the Norwalk Housing Authority and the Norwalk Redevelopment Agency are potential recipients of these funds. A lot of what they hope to do is have flexibility to work with existing agencies. These are funds for construction costs and Fair Housing not the place to address these issues.

Mr. Meek expressed his appreciation to Ms. Niedzielski Eichner for clarifying the ordinance. He said that from what he read in the minutes, this is creating another layer of government to remedy what government could not accomplish.

Ms. Revolus said that affordable housing is not affordable. She said that ownership is what sustains the community.

Mr. Meek said he was remis in not acknowledging Mr. Livingston.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MEEK) AND ONE (1) ABSTENTION (MS. REVOLUS)**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions presented this evening.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to a specific date this evening.

X. SUSPENSION OF RULES

There were no suspension of the rules this evening.

XI. ADJOURNMENT

**** MS. REVOLUS MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 9:47 p.m.

ATTEST: _____
Irene Dixon, City Clerk

**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**

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions can be found at norwalkct.gov/meetings. Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique

Meeting/Webinar ID. Please find the information using the link above. Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called on by the host of the meeting during the public comment section. Please find the information using the link above.

Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.

Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Irene Dixon at idxon@norwalkct.org to provide written public comment prior to the meeting.

Mayor Rilling called the special organizational meeting to order at 7:30 p.m. and led the Assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Ms. Dixon called the Roll as follows:

Council at Large:	Mr. Gregory Burnett	Mr. Joshua Goldstein
	Mr. Johan Lopez	Ms. Nora Niedzielski Eichner
	Ms. Barbara Smyth	

District A:	Ms. Nicol Ayers	Mr. Jalen Sead
District B:	Mr. Dajuan Wiggins	Ms. Darlene Young
District C:	Ms. Jenn McMurrer	Ms. Melissa Murray
District D:	Ms. Heather Dunn	Mr. Doug Sutton
District E:	Mr. James Frayer	Ms. Lisa Shanahan

At Roll Call there were fourteen (14) Common Councilmembers present and one (1) absent (Ms. Dunn). A Quorum was present.

Also present were Mayor, Harry Rilling; City Clerk, Irene Dixon and Corporation Counsel, Mario Coppola.

II. PUBLIC PARTICIPATION

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

III. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

1. Appointment of Corporation Counsel

Mayor Rilling nominated Attorney Mario Coppola for Corporation Counsel.

**** MR. GOLDSTEIN MOVED TO APPROVE ATTORNEY MARIO COPPOLA AS CORPORATION COUNSEL**
**** MOTION PASSED UNANIMOUSLY**

Mayor Rilling spoke in support of the appointment.

2. Appointment of City Clerk

Mayor Rilling nominated Ms. Irene Dixon for City Clerk.

**** MS. SMYTH MOVED TO APPROVE THE APPOINTMENT OF MS. IRENE DIXON AS CITY CLERK**
**** MOTION PASSED UNANIMOUSLY**

Mayor Rilling spoke in support of the appointment.

B. MAYOR'S REMARKS:

Mayor Rilling wished everyone a Happy Thanksgiving. He expressed his thanks for everyone who stepped forward to serve the City of Norwalk.

IV. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Mr. Burnett expressed his thanks to the Common Council members for their support over the last year when he served as Common Council President.

1. Election of Council President

Mr. Burnett asked for nominations for Council President.

Ms. Smyth nominated Ms. Darlene Young as Common Council President and spoke in support of the nomination. There were no other nominations.

**** MS. SMYTH MOVED TO ELECT MS. YOUNG AS COMMON COUNCIL
PRESIDENT**

**** MOTION PASSED UNANIMOUSLY**

Ms. Young said she does this because she loves it and Norwalk. She said she was so honored and blessed to be part of this process. She said she has been in the community for the 32 years that she has lived in Norwalk. Ms. Young noted that this is not an easy job and expressed her thanks for the support. She said she looks forward to working with the Majority and Minority Leaders.

Ms. Young expressed her thanks to Mayor Rilling, Ms. Dixon and Mr. Coppola.

2. Announcement of Majority Leader

Ms. Young announced that Ms. Niedzielski Eichner would be the new Majority Leader.

3. Announcement of Minority Leader

Ms. Young announced that Ms. Dunn would be the new Minority Leader.

4. Adoption of Council Rules

**** MS. MCMURRER MOVED TO ADOPT THE COUNCIL RULES AS INCLUDED
IN THE MEETING PACKET
** MOTION PASSED UNANIMOUSLY**

B. REMARKS

Mayor Rilling expressed this thanks to Mr. Burnett for serving as Common Council President.

Ms. Young welcomed the six new Common Council members and said they are all here to help and work together. She acknowledged Mr. Sutton who has a lot of institutional knowledge.

Mayor Rilling noted that the new Common Council members will be looking for guidance from the experienced Common Council members. He added that the Common Council members work well together.

V. ADJOURNMENT

**** MS. SHANAHAN MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 7:42 p.m.

ATTEST: _____
Irene Dixon, City Clerk

NORWALK COMMON COUNCIL
REQUEST FOR ITEM TO BE PLACED ON AGENDA

DATE OF REQUEST: November 16, 2023

PERSON/DEPARTMENT/COMMITTEE MAKING REQUEST: Robert Stowers, Director of Recreation & Parks

SECTION ON AGENDA WHERE ITEM IS TO APPEAR: Recreation & Parks

HAS ITEM BEEN TO A COUNCIL COMMITTEE? YES XX NO

HAS THE ITEM BEEN REVIEWED BY THE P&Z COMMISSION UNDER Section 8-24 OF THE STATE STATUTES? YES NO XX N/A

LIST ITEMS AND ACTION TO BE TAKEN: (Attach document to be approved or backup material. If a contract is to be awarded, please include name of contractor, amount of contract to be awarded and account from which payment will be made).

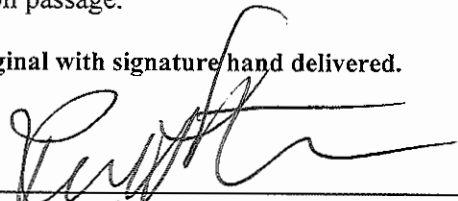
1. Approve the use of Veteran's Park and immediate surrounding grounds by Norwalk Department of Recreation & Parks for their 31st Annual Fitness Fun Run to be held on Saturday, December 2nd, 2023 from 10:00 A.M. to 11:00 A.M. with a rain date of Sunday, December 3rd, 2023. Setup to begin at 8:30 A.M. with teardown no later than 12:00 P.M. Approximately 700 people.
2. Approve the use of Calf Pasture Beach and immediate surrounding grounds by Norwalk Department of Recreation & Parks for their 3rd Annual Jingle Bell 5K to be held on Saturday, December 9th, 2023 from 9:30 A.M. to 11:30 A.M. Setup to begin at 8:30 A.M. with teardown no later than 12:00 P.M. Approximately 300 people.
3. Authorize the Mayor, Harry W. Rilling, to execute a First Amendment to the April 24, 2020 Agreement for Professional Engineering Services between the City of Norwalk and Stantec Consulting Services, Inc., regarding the Broad River Park, for an amount not to exceed \$108,000.00 in accordance with the attached scope of services dated August 15, 2023, from account # 0921-6030-5777-C0658.

3a Authorize the Director of Recreation and Parks to issue change orders in an amount not to exceed \$10,800.00 for Professional Engineering Services with Stantec Consulting Services, Inc., regarding the Broad River Park, from account # 0921-6030-5777-C0658.

STATUTORY AUTHORITY UNDER WHICH ACTION IS BEING TAKEN:
EFFECTIVE DATE OF ACTION (if applicable):

Upon passage.

Original with signature hand delivered.


Signature of Person Making Request

Please fill in all blanks and note if an item is not applicable.

Amended 4/13/84

Permit

City of Norwalk
125 East Ave
Norwalk, CT 06851

PHONE:(203) 854-7806
EMAIL:recreation@norwalkct.gov

Permit # R38

Status Approved

Date Nov 16, 2023 11:48 AM

Customer Name Rebecca Kovacs - 18
Customer Type General Public
Mailing Address 121 Osceleta Road
South Salem, NY 10590

Home Phone Number (203) 919-3775
Email Address rkovacs@norwalkct.gov

System User rkovacs

Rental Fee	\$0.00
Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

Norwalk River Fun Run

1 resource(s) 1 booking(s) Subtotal: \$0.00

Booking Summary

Veterans Memorial Park (Event)

Center: Veterans Memorial Park

START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Dec 2, 2023 10:00 AM	Dec 2, 2023 11:30 AM	700	\$0.00

Custom Questions

QUESTION	ANSWER
Are you a Non-Profit or 501C3?	Yes
Are you requesting a tent? Any tent 10x10 or larger needs approval and permit from Code Enforcement Dept.	No
Are you using a food truck?	No
Are you using the pavilion?	No
Do you plan on serving alcohol at your event? (No glass or glass bottles allowed at City parks)	No
If so, how many (Up to 2 allowed. Food Trucks not allowed at beach)	0
Is there an alternate date or location?	Rain Date Dec. 3rd
Number of people attending?	700
What is the setup time?	8:30 AM



32ND ANNUAL

NORWALK RIVER FUN RUN

Sponsored by: Physical Education Department of the Norwalk Public Schools, Recreation & Parks

**DEC 2
2022**
(RAIN DATE:
DEC 3)

SATURDAY

10AM

**VETERANS
PARK**
(SEAVIEW
AVENUE)

The Physical Education Department of the Norwalk Public Schools and Recreation & Parks are joining together to organize a Fitness Fun Run for the young people of Norwalk to promote the idea of physical fitness and the joy of running.

Who Can Participate

All students in grades K-12 are welcome to run. Parents may jog with young runners if they wish.

Run Features

1.2 mile walk and run (start at Veterans Park basketball courts
and end at Maritime Aquarium entrance)

T-shirts to all who register by WEDNESDAY, November 22nd

Registration Fee

The \$12 registration fee helps to cover the expenses of the run. Make checks payable to the
"NPS ATHLETIC DEPARTMENT"

Any checks returned for insufficient funds will be charged an additional \$25.00.

CONTACT
JOE MADAFFARI,
RACE DIRECTOR WITH
QUESTIONS AT
203-981-3005.

**CLOSING
DATE**
WEDNESDAY,
NOVEMBER 22, 2022

Sign up and pay for the race here:



Permit

City of Norwalk
125 East Ave
Norwalk, CT 06851

PHONE:(203) 854-7806
EMAIL:recreation@norwalkct.gov

Permit # R39

Status Approved

Date Nov 16, 2023 11:49 AM

Customer Name Rebecca Kovacs - 18
Customer Type General Public
Mailing Address 121 Oscaleta Road
South Salem, NY 10590

Home Phone Number (203) 919-3775
Email Address rkovacs@norwalkct.gov

System User rkovacs

Rental Fee	\$0.00
Discounts	\$0.00
Subtotal	\$0.00
Deposits	\$0.00
Deposit Discounts	\$0.00
Total Permit Fee	\$0.00
Total Payment	\$0.00
Refunds	\$0.00
Balance	\$0.00

Jingle Bell 5K

1 resource(s) 1 booking(s) Subtotal: \$0.00

Booking Summary

Calf Pasture Beach (Department Use)

Center: Calf Pasture Beach

START DATE/TIME	END DATE/TIME	ATTENDEE	AMT W/O TAX
Dec 8, 2023 9:30 AM	Dec 9, 2023 11:30 AM	300	\$0.00

X:

X:

Date:

Date:

City of Norwalk

Mailing Address: 125 East Ave, Norwalk, CT

06851

Phone Number: (203) 854-7806

Email Address: recreation@norwalkct.gov

Rebecca Kovacs

Customer ID: 18

Home Phone Number: (203) 919-3775

Email Address: rkovacs@norwalkct.gov



Jingle Bell 5k and 1m Elf Run



Saturday, December 9, 2023

City of Norwalk will be kicking off its 3rd Annual 5K (3.1mile) festive / holic welcome runners of all levels to help kick off this new tradition to support Play and Learn Camps. All net proceeds of this run will supplement our day camp activities, trips, entertainment, and scholarships.

Join Us! We have a great certified course right out of Calf Pasture Beach
Come as a group or come alone!

Please note: Dogs are not allowed.

1 Mile Elf Run starts at 9:30 am and the 5K race kicks off at 10:00 am with finish line party starting thereafter. Brief award ceremony at 11:15 a.m.

Festive attire is encouraged!

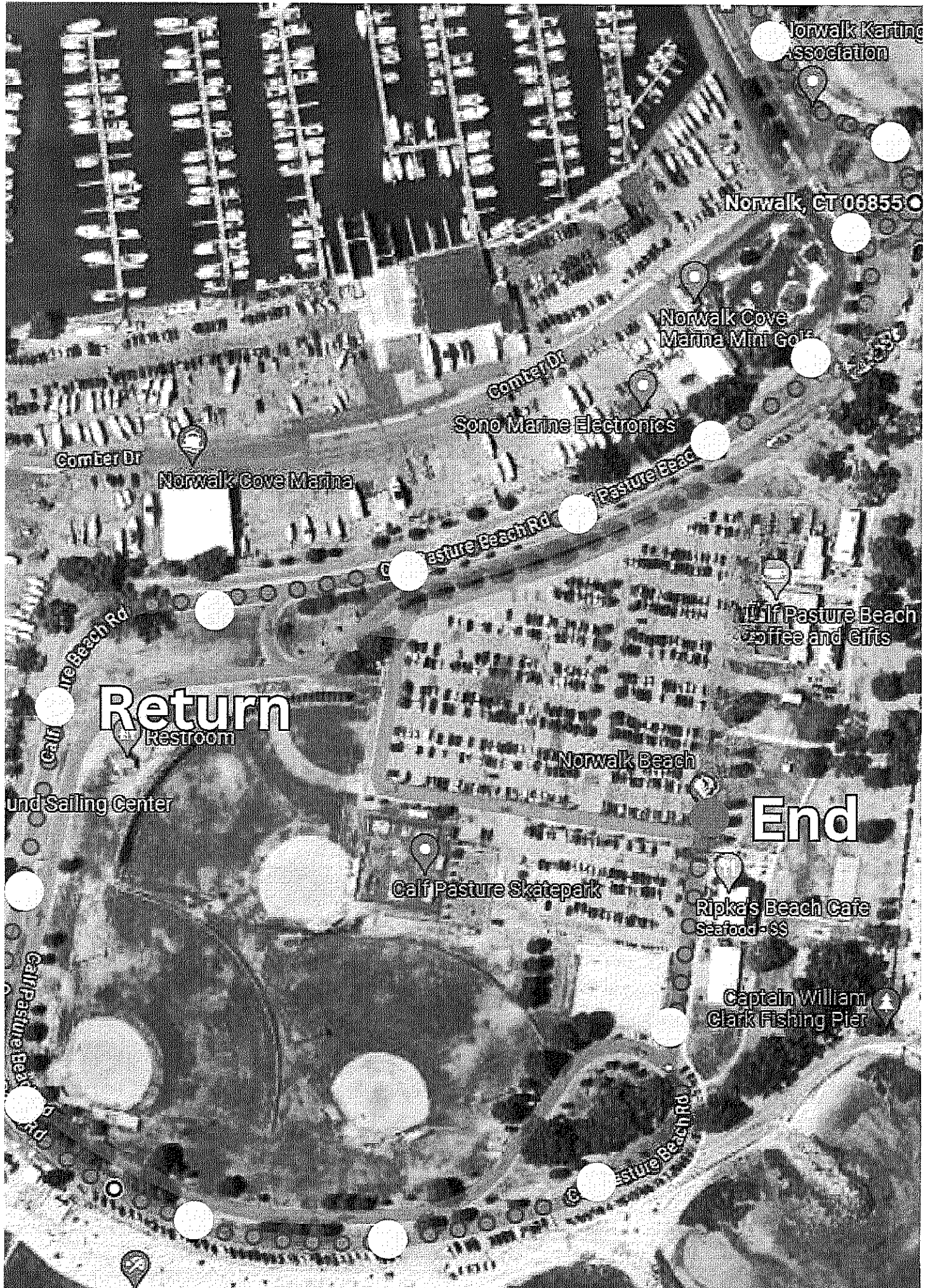
Participants receive a timing bib and t-shirt
Awards for different age categories.
Ticket Pickup - City Hall- Room 225

For race fees, registration and spots
VISIT:

Wednesday, November 29, 9 am-4 pm
Thursday, November 30, 9 am-4 pm
Monday, December 4, 9 am- 4 pm
Tuesday, December 5, 9 am- 4 pm







Norwalk Karting Association

Norwalk, CT 06855

Norwalk Cove Marina Mini Golf

Sono Marine Electronics

Comber Dr

Norwalk Cove Marina

Pasture Beach Rd

Il Pasture Beach Coffee and Gifts

Return

Restroom

Norwalk Beach

End

Cal Pasture Skatepark

Ripka's Beach Cafe Seafood - \$\$

Captain William Clark Fishing Pier

and Sailing Center

Cal Pasture Beach Rd

Pasture Beach Rd



Stantec Consulting Services Inc.
55 Church Street Suite 601, New Haven CT 06510-3014

August 15, 2023

Mr. Robert Stowers
Director of Recreation and Parks
City of Norwalk
125 East Avenue, Room 225
Norwalk, CT 06851

Reference: Broad River Park Athletic Fields – Drainage Coordination and Site Redesign

Dear Mr. Stowers:

Thank you for the opportunity to submit this proposal for additional services associated with the drainage coordination and site redesign for the Broad River Park athletic fields. The following represents our understanding of the project scope and the services that will be performed by Stantec Consulting Services Inc.

Scope

Based on our meetings with the City on Friday, March 16, 2023 and on Wednesday, June 21, 2023, we anticipate the following additional services will be required.

1. **Flood Modeling Coordination:** This will involve coordination with Woodard & Curran regarding the localized site elements such as grading, drainage, and layout for the proposed condition so that the hydraulic flood model can be updated accordingly. Stantec will provide basic elements of the site for incorporation into the model. A 3D surface will not be provided—only basic contour information is included. Based on results from the model, minor modifications to the design/site layout may be required to accommodate flood mitigation measures. The intent will be to avoid adverse impacts to the flooding conditions in the area.
2. **Drainage Design and Report:** A drainage study for the field project will be provided which will include design of proposed pipes/underdrains, connections to existing structures, pre-post construction flow and volume comparison, water quality requirement review, and design, as necessary. Stantec will also evaluate accommodations and connections of proposed flood improvements such as the installation of a large culvert under the fields. Sizing, inverts, and general location/configuration of the culvert shall be by others, but Stantec will incorporate the structure into the construction documents for the project along with site connection. Additionally, Stantec will provide a design option which will incorporate underground retention below the fields for the purpose of peak flow attenuation, water quality, and/or flood storage of the watershed runoff traversing the site. Watershed flood impacts associated with this measure will be evaluated by others. Stantec will incorporate underground retention and a large culvert into the sports field design drawings. Only one culvert and one retention system layout will be incorporated. Any changes to the design required after Construction Documents are completed may require additional scope and fee.

Reference: Broad River Park Athletic Fields – Drainage Coordination and Site Redesign

3. Revised Site Design and Opinion of Probable Cost (OPC): The City has selected a combination field with artificial turf for the infield areas and grass for the outfields. Stantec will provide a new site design to reflect this along with accommodating the required infrastructure while maintaining the elements of the original design options. This redesign will incorporate a culvert running through the site along with permanent/temporary connections to the culvert from the site drainage system, as required. The redesign will also include an underground retention system (as required/needed) to accommodate any water quality requirements, peak flow attenuation, and/or flood mitigation measures determined to be effective for reducing watershed flooding conditions (as noted above). The new design will continue to incorporate amenities including playground, courts, press boxes, comfort station, new parking lot, and sports lighting. Upon completion of the redesign, Stantec will develop an updated OPC.
4. Permitting: An allowance will be carried for Stantec's support for required local permits such as Inland Wetlands and Planning and Zoning (up to 3 permits). This effort can include completion of forms, compiling documentation, and attendance at required meetings (up to three meetings). This task will be billed on an hourly basis.
5. Flood Modeling: Woodard and Curran will be retained to provide additional modeling support to ensure that the proposed field project will not adversely impact the flood elevations in the area. Woodard and Curran will provide preliminary layout, inverts, and sizes for the proposed culvert. An allowance of \$30,000 will be carried for this task. This will involve modifying the existing conditions hydraulic model and running two proposed options to evaluate the flood conditions at the site for the 25- and 100-year storms. This will include revised sketches, output tables and volume calculations for each of the two options. Woodard and Curran will also attend one meeting to discuss the results of the modeling updates. If more than two options are required to be modeled/explored, additional fee may be required.
6. Irrigation Design: The City has also noted a desire for irrigation for the outfield areas of the proposed field. Stantec will work with our irrigation team to develop a project-specific performance specification that will be included with the final bid package.
7. Site Electrical Service and Utility Coordination: Based on our assessment of the existing utility services available onsite, the current service is insufficient to support the needs of the proposed sports lighting and comfort station. The proposed improvements will require a new primary service from Silvermine Avenue. The scope of the electrical engineering design services will consist of the following:
 - a) Perform electrical load calculations and provide an electrical load letter to the utility company
 - b) Coordinate the new electrical service to the site with the utility company including one (1) site meeting with the electric utility company
 - c) New electrical service and utility metering equipment
 - d) New main branch circuit panelboard for circuiting new loads
 - e) Lighting:
 - i. Circuit new architectural site lighting and Musco sports lighting designed by others

Reference: Broad River Park Athletic Fields – Drainage Coordination and Site Redesign

ii. New site lighting controls

Fee

Tasks 1-6

Stantec will provide the services described herein on a lump sum basis as follows:

Task 1 - Flood Modeling Coordination	\$ 3,000.00
Task 2 - Drainage Design and Report	15,000.00
Task 3 - Revised Site Design and Opinion of Probable Cost	15,500.00
Task 4 – Permitting (Allowance)	7,500.00
Task 5 – Flood Modeling (Woodard and Curran – T&M Allowance)	30,000.00
Task 6 – Irrigation Design	20,000.00
Task 7 – Site Electrical Service and Utility Coordination	<u>17,000.00</u>
TOTAL	<u>\$108,000.00</u>

Assumptions and Exclusions

- All permitting applications, fees by owner are excluded.
- No design of off-site improvements is included in this design.
- No environmental (contaminated material) investigation/work is included.
- No structural design is included.
- Stantec will not have control nor be in charge of and will not be responsible for construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work; for the acts or omissions of the Contractor, subcontractors or any other persons performing any of the Work; or for the failure of any of them to carry out the Work in accordance with the Contract for Construction.
- Neither Stantec nor its client have control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding, market, or negotiating conditions. Accordingly, Stantec cannot and does not warrant or represent bids or negotiated prices to construct the part of the project for which it has provided services and will not vary from the owner's budget for the project or from an estimate of the cost of the work or evaluation prepared or agreed to by Stantec. Stantec cannot be held responsible for cost increases that are beyond the control of the consultant including, but not limited to, unanticipated rises in the cost of labor, materials, or equipment, changes in market or negotiating conditions, and errors or omissions in cost estimates prepared by others.

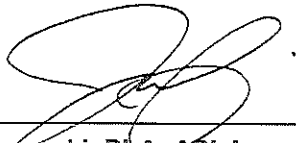
Reference: Broad River Park Athletic Fields – Drainage Coordination and Site Redesign

We look forward to the opportunity to provide the above-noted services. If you agree with this proposal, please sign the below authorization, and send back.

Please do not hesitate to contact us if you have any questions or need additional information.

Regards,

Stantec Consulting Services Inc.



Jeff Olszewski, PLA, ASLA
Landscape Architect, Associate
Phone: 203 212 5796
jeff.olszewski@stantec.com



Antonio DiCamillo, PE
Civil Engineer
Phone: 203 495 1645
antonio.dicamillo@stantec.com

By signing this proposal, the City of Norwalk authorizes Stantec to proceed with the services herein described, and the Client acknowledges that it has read and agrees to be bound by the terms of the original contract.

This proposal is accepted and agreed on the ____ day of August, 2023.

Per: City of Norwalk

Robert Stowers, Director of Recreation and Parks

Print Name & Title

Signature

**Norwalk Police Department
Administration**

Memo

To: Common Council, Health and Public Safety Committee
From: Chief James Walsh
Date: November 20, 2023
Re: Common Council Authorization – New Canaan Police M.O.U.

In December 2023, the New Canaan Police Department (NCPD) building located at 174 South Avenue in New Canaan will be undertaking a major renovation. Work on the project is expected to begin in December and take approximately 18 months to complete. For the duration of this project, the South Avenue building will be closed and the (NCPD) will operate out of a temporary space located on Locust Avenue in New Canaan. The Locust Avenue facility does not have suitable facilities or cells for holding prisoners. Pursuant to Connecticut General Statute section 7-135 the Chief of NCPD has requested assistance from the Chief of Norwalk PD in providing holding cells for prisoners while the South Avenue Building is closed for renovations. This M.O.U. will remain in effect until the South Avenue Building is reopened. The Town of New Canaan will reimburse the City of Norwalk for any costs of temporary holding of NCPD prisoners as prescribed by Connecticut General Statutes Section 7-135a.

The Town of New Canaan will indemnify, defend, and hold harmless the City, its elected and appointing officials, employees, representatives, and agents (collectively, the "Indemnitees"), from and against any and all third-party claims, liabilities, and losses whatsoever (including damages to property and injuries to or death of persons, court costs, and reasonable attorneys' fees) (collectively, "Claims") arising from the acts and omissions of the Town, its elected and appointing officials, employees, representatives, and agents, concerning any NCPD Prisoner the City accept for holding pursuant to this MOU, except to the extent that such Claims are caused by negligence or intentional misconduct of the Indemnitees. The Town shall maintain at its sole cost and expense adequate insurance coverages relative to its obligations under this MOU with the City made an additional insured thereunder on a primary and non-contributory basis and with subrogation rights waived by the carrier. Prior to the commencement of this MOU and through the duration thereof, the Town shall provide the City with a current Certificate of Insurance in accordance with this provision.

- A. AUTHORIZE THE MAYOR HARRY W. RILLING TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF NEW CANAAN FOR ACCEPTANCE OF NEW CANAAN POLICE DEPARTMENT PRISONERS FOR HOLDING PENDING ARRAIGNMENT DURING THE RENOVATION OF NEW CANAAN POLICE STATION.

MEMORANDUM OF UNDERSTANDING INTERIM PRISONER CUSTODY

This Memorandum of Understanding (“MOU”) is dated November __, 2023 (the “Effective Date”) by and between the **CITY OF NORWALK** (the “City”) and the **TOWN OF NEW CANAAN** (the “Town”), each of which may sometimes be referred to herein as a “Party” and both of which may sometimes be referred to collectively as the “Parties”.

1. **Background and Purpose.** The Town’s historic Police Station building is located at 174 South Avenue in New Canaan (the “South Avenue Building”). The South Avenue Building has holding cells where, in the course of routine operations, the New Canaan Police Department (“NCPD”) holds prisoners, generally overnight or until the next day when arraignments are held. The Town is undertaking a project of major renovation and construction of the South Avenue Building (the “Project”). Work on the Project is expected to begin in early December, 2023 and take approximately eighteen months to complete. For the duration of the Project, the South Avenue Building will be closed and the NCPD will operate out of temporary space in the building at 39 Locust Avenue in New Canaan (the “Locust Avenue Building”). The Locust Avenue Building does not have holding cells or space otherwise suitable for holding prisoners. The Norwalk Police Department (“Norwalk PD”) has prisoner holding cells at its station at 1 Monroe Street in Norwalk (“Norwalk Police Station”). Pursuant to Connecticut General Statutes Section 7-135, the Chief of NCPD has requested assistance from the Chief of Norwalk PD in providing holding cells for prisoners while the South Avenue Building is closed for renovations.

2. **Statutory Authority.** The Parties have authority to enter into this MOU under Connecticut General Statutes Section 7-135.

3. **Duration.** This MOU will remain in effect until the South Avenue Building is reopened. The Chief of NCPD will keep the Chief of Norwalk PD apprised of the anticipated date of closure of the South Avenue Building. Thereafter, while work on the Project is in progress, the Chief of NCPD will periodically update the Chief of Norwalk PD on the progress of construction work and the anticipated date of reopening of the South Avenue Building.

4. **Operational Matters.**

a. **Presentation and Acceptance.** ~~Except as otherwise provided herein, For the duration of the closure of the South Avenue Building,~~ Norwalk PD will accept at the Norwalk Police Station prisoners presented by NCPD officers (“NCPD Prisoners”) ~~for the duration of the closure of the South Avenue Building.~~ Upon arrival at the Norwalk Police Station, NCPD officers will present customary prisoner custody transfer forms. ~~The Norwalk PD retains the right to decline to accept NCPD Prisoners for holding in the event it determines that suitable facilities or sufficient personnel are not currently available at the Norwalk Police Station to accept such NCPD Prisoners.~~

b. Processing. NCPD Prisoners will be formally processed by NCPD officers in New Canaan prior to transportation to the Norwalk Police Station. An exception applies to combative persons and persons arrested for DUI, who will be brought directly to Norwalk Police Station for processing. If an NCPD officer needs to process an NCPD Prisoner at Norwalk Police Station, the NCPD officer will use NCPD processing forms and fingerprint cards. Norwalk PD will permit NCPD officers to use Norwalk PD's Drager blood alcohol testing machine for processing NCPD Prisoners arrested for DUI.

c. Transportation. NCPD will be responsible for transportation of NCPD Prisoners to and from the Norwalk Police Station and for the care and safety of NCPD Prisoners while in transit, including transit: (i) from the place of arrest; (ii) to and from the courthouse; and (iii) from the hospital following discharge (see Paragraph 4(g)). Norwalk PD will have no responsibility or liability whatsoever for the care or safety of NCPD Prisoners while in transit to or from Norwalk Police Station or otherwise within the custody of NCPD officers.

d. Holding. Norwalk PD will hold each NCPD Prisoner in a holding cell at the Norwalk Police Station until an NCPD officer appears (generally the next day when arraignments are held) to retake custody of the NCPD Prisoner for transportation to the courthouse. Norwalk PD will hold each NCPD Prisoner in accordance with the Standards of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), including provision of food and water.

e. Prisoner Property. All personal property taken from each NCPD Prisoner at the time of arrest or processing will be held by NCPD until such time as it is appropriate to return the personal property to the NCPD Prisoner under standard prisoner release procedures.

f. Probable Cause Hearings. With respect to probable cause hearings for NCPD Prisoners, NCPD will be responsible for presenting the customary affidavits and reports to the presiding judge and reporting the result of each probable cause hearing to the Norwalk PD Holding Facility Officer. If notified that the judge found that probable cause did not exist, the Norwalk PD Holding Facility Officer will release the NCPD Prisoner.

g. Illness or Injury. If, while being held at the Norwalk Police Station, an NCPD Prisoner complains of illness or injury, Norwalk PD will call for an ambulance and request a medical assessment of the NCPD Prisoner. If the responding EMT or paramedic determines that the NCPD Prisoner should be transported to a hospital, then Norwalk PD will: (i) transport the NCPD Prisoner to the hospital or escort the ambulance to the hospital; (ii) notify NCPD and request that NCPD relieve the Norwalk PD officer or officers watching the NCPD Prisoner; and (iii) maintain customary prisoner watch until relieved by an NCPD officer or officers. NCPD will then be responsible for prisoner watch until the NCPD Prisoner is discharged from the hospital and for transporting the discharged NCPD Prisoner back to the Norwalk Police Station. This Paragraph 4(g) applies also to NCPD Prisoners admitted to a hospital after threatening to harm themselves.

h. Bail. Bail for NCPD Prisoners should be posted at the Locust Avenue Building. If bail is posted with respect to an NCPD Prisoner while the NCPD Prisoner is in the custody of Norwalk PD, NCPD will notify the Norwalk PD Holding Facility Officer and the Norwalk PD Holding Facility Officer will release the NCPD Prisoner.

i. Crimes Committed While in Custody. If an NCPD Prisoner commits a crime while in the custody of Norwalk PD, the NCPD Prisoner will be charged and processed for that crime by Norwalk PD officers.

j. Return of Custody. Upon returning custody of each NCPD Prisoner to an NCPD officer, a Norwalk PD officer will complete the customary prisoner custody transfer form.

5. Reimbursement of Costs and Expenses. The Town will reimburse the City for costs of temporary holding of NCPD Prisoners as prescribed by Connecticut General Statutes Section 7-135a.

6. Indemnification and Insurance. The Town will indemnify, defend and hold harmless the City, its elected and appointing officials, employees, representatives and agents (collectively, the "Indemnitees"), from and against any and all third-party claims, liabilities, and losses whatsoever (including damages to property and injuries to or death of persons, court costs, and reasonable attorneys' fees) (collectively, "Claims") arising from the acts and omissions of the Town, its elected and appointing officials, employees, representatives and agents, concerning any NCPD Prisoner the City accept for holding pursuant to this MOU, except to the extent that such Claims are caused by negligence or intentional misconduct of the Indemnitees. The Town shall maintain at its sole cost and expense adequate insurance coverages relative to its obligations under this MOU with the City made an additional insured thereunder on a primary and non-contributory basis and with subrogation rights waived by the carrier. Prior to the commencement of this MOU and through the duration thereof, the Town shall provide the City will a current Certificate of Insurance in accordance with this provision.

6.7. Notices. This Paragraph applies only to notices given under non-operational conditions and specifically does not apply to communications between NCPD officers and Norwalk PD officers with respect to operational matters pertaining to NCPD Prisoners. All notices required or permitted to be given under this MOU shall be sufficient only if in writing and given by hand delivery, by overnight mail service, or by certified or registered mail, addressed to the party for whom such notice is intended at the Party's address set forth below or such other address as a Party may designate in writing to the other Parties.

If to the Town, addressed to:
First Selectman
Town of New Canaan
77 Main Street
New Canaan, CT 06840

If to the City, addressed to:
Mayor
City of Norwalk
125 East Avenue
Norwalk, CT 06851

With copy to: City of Norwalk
Attn: Law Department
125 East Avenue
Norwalk, CT 06851

7.8. Miscellaneous.

- a. This MOU contains the entire agreement of the Parties concerning its subject matter and shall supersede the terms of any other prior or contemporaneous agreement, representation or understanding (whether oral or written) among the Parties concerning the subject matter of this MOU.
- b. This MOU may be changed or modified only in a writing signed by all of the Parties.
- c. This MOU or any of the rights and obligations of a Party may be assigned by a Party only with the written consent of all of the other Parties.
- d. This MOU and the rights and obligations of the Parties shall in all respects be governed by and construed and enforced in accordance with the laws of the State of Connecticut.
- e. Any title or caption contained in this MOU is for convenience only and shall not be deemed a substantive part of this MOU.
- f. This MOU may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original, and all of which when taken together shall constitute one and the same MOU. The Parties agree that this MOU may be transmitted between or among them by facsimile or electronic mail and, upon evidence of receipt of same, shall constitute delivery of this MOU. The Parties intend that faxed or electronic signatures constitute original signatures and that an MOU containing the signatures (original, facsimile or electronic) of all the Parties is binding on the parties once sent via facsimile or via electronic mail or delivered to the other Parties.

{This space intentionally left blank. The next page is the signature page.}

WHEREUPON, the Parties have caused their authorized representatives to sign below, the date of this MOU being the Effective Date (defined on Page 1) if different from any of the dates appearing below.

TOWN OF NEW CANAAN

Signature _____

Name and Title: Kevin J. Moynihan, First Selectman

Date _____

CITY OF NORWALK

Signature _____

Name and Title: Harry Rilling, Mayor

Date _____

ABOVE TERMS ACCEPTED AND AGREED TO BY:

NEW CANAAN POLICE DEPARTMENT

Signature _____

Name and Title: John DiFederico, Chief of Police

Date _____

NORWALK POLICE DEPARTMENT

Signature _____

Name and Title: James Walsh, Chief of Police

Date _____

{Signature Page to Memorandum of Understanding}