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 7:30 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

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

Council at Large:	Mr. Richard Bonenfant	Mr. Douglas Hempstead
	Mr. Glenn Iannaccone Mr. Bruce Kimmel	Ms. Sharon Stewart
District A:	Ms. Eloisa Melendez	
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Jerry Petrini
District E:	Mr. John Igneri	Mr. David McCarthy

Mayor Harry Rilling; Attorney Mario Coppola, Corporation Counsel; Donna King, City Clerk. Fourteen members present; one member absent: David Watts.

City Clerk King read the notice that this meeting is being video taped and audio recorded for public broadcast and assisted listening devices are available upon request.

II. ACCEPTANCE OF MINUTES - Regular Meeting – July 22, 2014

** **MR. SIMMS MOVED TO APPROVE THE MINUTES FROM THE MEETING OF JULY 22, 2014 AS SUBMITTED**
** **THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Mayor Rilling asked City Clerk King to call those who signed up to speak to come forward when their names were called.

Comments represent summarizations of statements made, unless otherwise noted.

1. Sonya Oliver, 15 Madison Street spoke regarding Land Use item #13 and gave an overview of the HOPE organization and the scope of their efforts and services provided to the underprivileged. She added an endorsement of the great work done by Sharon Stewart and asked the Council to allow her to continue to maintain the room in order to provide services and to keep troubled off the streets and to access resources for help.

Public Comments –continued.

2. Albert Vasco (no address given) stated that he was in support of 7D1, the Smith Street Option to further the improvements and future development of that area. He read a letter from the Michael F. DiScala regarding the Head of the Harbor Redevelopment Project:

> As a long time citizen and developer in Norwalk, I'm very pleased to see the Head of the Harbor project moving forward. We believe this project will be a major improvement to the Wall Street area and we hope that it is a catalyst for other development in the area which is sorely needed.
>
> We want to thank the City of Norwalk, the Historical Commission, and the Redevelopment Agency for working with us to come up with a solution that will allow our project to move forward and that will accommodate the renovation plans for Mill Hill. The approval of this option agreement will allow us to advance the plans for the overall project, which we hope to have in front of the Zoning Commission for approval in the coming months. Thank you for your time and consideration.

3. David Davidson, 16 Betmarlea Road, spoke about the POKO extension and stated that he supports ranting the extension with specific thresholds and a bonded LDA. He referred to Tim Sheehan's memo and stated that he had presented his recommendation to the Planning Committee but was ignored. He added that failure to follow the thresholds should have penalty provisions and he outlined the history of the project and his rationale in support of a revised agreement.
4. Ken Olson, President of POKO Development, thanked the Council for the opportunity to speak and gave an overview of the background of the project. He highlighted reasons for seeking the extension and delays with financing and the provisions and related thresholds that have been developed through the Redevelopment Agency. He asked the Council to support item D 3 and to grant the extension in order to finalize essential funding that is critical to the future continuation of the project.

Mayor Riling asked if there were other members of the public who wished to speak, and hearing none, closed the public participation of the meeting at 7:50 p.m.

<u>RESIGNATIONS AND APPOINTMENTS</u>

Appointments:

Charles L. Yost — Board of Alarm Appeals.
Miklos P. Koleszar — Board of Ethics
Todd Fag an - Fair Rent Commission (Alternate)
Donald J. Hingtgen — Pension Board
Michael Skiber—Zoning Board of Appeals (Alternate)
Adam Blank — Zoning Commission

Reappointments:

Carol Andreoli — Board of Alarm Appeals
Donald Eleck - Board of Alarm Appeals
Mary Geake - Board of Alarm Appeals
Johnnie- Mae Weldon — Fair Rent Commission (Alternate)

Mayor Rilling asked to combine the Board of Alarm Appeals appointments and reappointments together.

**** MCCARTHY MOVED TO APPROVE THE FOLLOWING TO THE BOARD OF ALARM APPEALS: APPOINTMENT: CHARLES YOST – TERM EXPIRES 7/25/2019 AND REAPPOINTMENTS TO EXPIRE 7/25/2018:**
CAROL ANDREOLI, DONALD ELECK, MARY GEAKE
**** MOTION PASSED UNANIMOUSLY.**

<u>Miklos Koleszar - Board of Ethics</u>

** **MR. PETRINI MOVED APPROVE THE APPOINTMENT OF MIKLOS KOLESZAR TO THE BOARD OF ETHICS WITH A TERM TO EXPIRE 3/10/2017**
**** MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead clarified that this was a Council appointment not a mayoral appointment.

<u>Todd Fagan - Alternate to the Fair Rent Commission</u>

Mr. Simms stated that he strongly supports the appointment of Todd Fagan as an Alternate to the Fair Rent Commission that he has known him as an active member of the community and asked the Council to support this appointment.

** **MR. SIMMS MOVED APPROVE THE APPOINTMENT OF TODD FAGAN TO THE FAIR RENT COMMISSION (ALTERNATE) WITH A TERM TO EXPIRE 7/1/2017.**
**** MOTION PASSED UNANIMOUSLY.**

<u>Donald Hingtgen - Pension Board</u>

** **MR. MCCARTHY MOVED APPROVE THE APPOINTMENT OF DONALD HINGTGEN TO THE PENSION BOARD WITH A TERM TO EXPIRE 9/1/2015.**
**** MOTION PASSED UNANIMOUSLY.**

<u>Michael Skiber – Zoning Board of Appeals (Alternate)</u>

Mr. Simms stated that he strongly supports the appointment of Michael Skiber to the Zoning Board of Appeals that he has proven to be an active member of the community and asked the Council to support this appointment.

** **MR. SIMMS MOVED APPROVE THE APPOINTMENT OF MICHAEL SKIBER TO THE ZONING BOARD OF APPEALS (ALTERNATE) WITH A TERM TO EXPIRE 11/1/2018.**
**** MOTION PASSED UNANIMOUSLY.**

Adam Blank - Zoning Commission

Mr. Igneri stated that he strongly supports the appointment of Adam Blank to the Zoning Commission that he has known him as an active member of the community and asked the Council to support this appointment. He described Mr. Blank as bright and intelligent lawyer who researches an issue thoroughly before making a decision and who likes to compromise. Mr. Kimmel said Blank is always dignified, honest and civil, and looks for a compromise acceptable to both sides.

Mr. McCarthy said he had served with Mr. Blank, who was an alternate before being appointed as a full member, and thinks it is a good appointment. He added that one time we started working on reducing parking minimums in the urban corridor, and hopefully, we can get back to that.

Mr. McCarthy added that he also supports this appointment and has served with Mr. Blank in the past and he will serve the City well.

** **MR. IGNERI MOVED APPROVE THE APPOINTMENT OF ADAM BLANK TO ZONING COMMISSION WITH A TERM TO EXPIRE 7/1/2017.**
**** MOTION PASSED UNANIMOUSLY.**

** **MR. BONENFANT MOVED APPROVE THE REAPPOINTMENT OF JOHNNIE-MAE WELDON TO THE FAIR RENT COMMISSION (ALTERNATE) WITH A TERM TO EXPIRE 7/1/2017.**
**** MOTION PASSED UNANIMOUSLY.**

Mayor Rilling noted that these appointments and reappointments are a reflection of a spirit of collaboration with the Council leadership and he thanked those for their willingness to serve the City.

Mayor Rilling noted that at a previous meeting Council President Hempstead reinstated a past practice of swearing in appointees that were in attendance during the Council meeting. The new appointments in attendance were then sworn in to the Boards and Commissions as above noted by City Clerk King and were acknowledged by members of the Council and audience.

MAYOR COMMENTS:
Mayor Rilling announced the following upcoming events:
- Welcome to Elizabeth Stocker, newly appointed the Economic Development Director.
- SONO Arts fest is this weekend and opening concert is Friday evening.
- August 21 is Norwalk Health Department celebration of national accreditation at BJ Ryan’s from 5:30-7:30 p.m.
- August 21 is Two Wheels at Ironworks event for bike donations from 6:00-9:00 p.m.
- August 21 is Spirit Night for the Marching Band at Norwalk High School.

Mayor Comments -- continued

- August 23 St. Ann's Society 100 Year Anniversary at Continental Manor.
- September 6 – CT Bike Ride starting at Norden Park – 5,000+ motorcyclists ride for 9-11.
- September 5-9 Oyster Festival – Annual Seaport Association Event.
- September 10 – 9-11 Ceremony in Remembrance of 9-11 at Sherwood Island Park.
- Concerts at Calf Pasture Beach with car shows through Labor Day.

COUNCIL PRESIDENT

Mr. Hempstead stated that he wanted to echo the Mayor's comments on the special programs and events and added an acknowledgement of the Ryan Park Tug of War between the Fire and Police Departments. He announced that school starts in a few weeks the week of August 25.
He reminded all to check the calendar of events as posted on the City's website.

Mr. Hempstead announced that the canceling of August 26 meeting was discussed in caucus and based on the agenda there are no major contracts that require Council approval.

**** MR. HEMPSTEAD MOVED TO CANCEL THE COMMON COUNCIL MEETING OF AUGUST 26, 2014.**
**** MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead announced to members of the audience that if an item was on consent that it represented Council approval, and representatives of items could leave the meeting, that there would be no further discussion on items approved on consent.

CONSENT CALENDAR

**** MR. HEMPSTEAD MOVED THE CONSENT CALENDAR AS FOLLOWS: VII. B1, B2, B3; C1, C2A. 2B; C3, C4; D2.**
**** MOTION PASSED UNANIMOUSLY.**

Items on the Consent Calendar are in bold as follows:

VII. COMMON COUNCIL COMMITTEES

B. PUBLIC WORKS

1. **Authorize the Mayor, Harry W. Rilling, to execute an amendment to the Agreement with The Grasso Companies, LLC for Project No, PM 2014-1 Pavement Management Program for a sum not to exceed $700,000.00.Acct Nos. 0913 4021 5777 00021; 0914 4021 5777 00021 030000-2602; 0913 4027 5777 00302; 0914 4027 5777 00302; 0914 4021 5777 00318 0912 4021 5777 00503; 09133110577700509 Redevelopment Agency Acct No. Water Street.**

Consent Calendar – continued

2. **Authorize the Mayor, Harry W. Rilling, to execute an amendment to the Agreement with Deering Construction, Inc. for Project No. PM 2013-1 Pavement Management Program for a sum not to exceed $271,000.00.**
Account Nos. 0911 4021 5777 00021; 0912 4027 5777 00021; 0913 4027 5777 00021; 030000-2602; 0913 4027 5777 00302; 0913 4021 5777 00318; 0914 1000 5777 00536 (Parks & Recreation); 0915 1000 5777 00536 (Parks & Recreation); 0915 6030 5777 00321 (Parks & Recreation); 0915 6030 5777 00546 (Parks & Recreation) 01 6031-5585

3. Authorize the Purchasing Agent to issue a purchase order to Bridge-Haven Ford Truck Sales Inc. dba Gabrielli Truck Sales of Milford for the purchase of two (2) 2015 Mack GU71 2 plow trucks for a sum not to exceed $428,924.00. Account No. 0914/154031 577700313.

LAND USE AND BUILDING MANAGEMENT.

1. Authorize the Mayor, Harry W. Rilling, to execute any and all documents necessary for the disposition of City property located at 410 Main Avenue back to Fairfield Investors, Inc. (the original Developer) in accordance with the property Deed Restrictive Use Covenant, for an amount of $50,000.

2a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with O'Riordan Migani Architects, LLC for the review and design of ADA modifications at 141 East Ave for a total not to exceed $38,500. Account #091 56310 5777 00549.

2b. Authorize the Historical Commission to approve additional services (if necessary) for a total not to exceed $4,000. Account #09156310 5777 00549.

3. Authorize the Mayor, Harry W. Rilling, to execute Amendments to the Management Agreements with Norwalk Housing Authority for the management of the childcare centers at Ben Franklin Center and Nathaniel Ely Center. The amended expiration date of the Agreements shall be June 30, 2026.

4. Authorize the Mayor, Harry W. Rilling, to execute Amendments the Management Agreements with the Norwalk Housing Authority for the operation of the childcare centers at Ben Franklin Center and Nathaniel Ely Center in order to incorporate the revised terms and requirements of the Child Day Care grant issued by the Connecticut Office of Early Childhood.

10a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Power Point Energy, LLC for the City Hall lighting and equipment energy efficient retrofit project for a total not to $281,180. Funding for this agreement shall be as follows:
CL&P Comprehensive Incentive (maximum) $160,771.60
CL&P 0% interest loan to be paid back via monthly electric savings $100,000.00
City capital investment- (from energy accts $ 20,408.40 - 0914/154071 577700149)

Consent Calendar – continued

Land Use & Building Management

10b. Authorize the Mayor, Harry W. Rilling, to execute any and all documents with CL&P necessary to accept and to implement an energy conservation incentive grant for the Norwalk City Hall Energy Efficient Lighting and Equipment Retrofit Project for a maximum grant amount of $160,771.60.
10c. Authorize the Mayor, Harry W. Rilling, to execute any and all documents with CL&P necessary to enter into a 0% interest energy loan agreement for an amount not to exceed $100,000, to support the Norwalk City Hall Energy Efficient Lighting and Equipment Retrofit Project. Repayment shall be made through monthly electric bills from reduction in electric consumption.
10d. Authorize the Mayor, Harry W. Rilling, to execute any and all documents with Yankee Gas Services Company necessary to accept and to implement an energy conservation incentive grant for the Norwalk City Hall Energy Efficient Boiler Replacement Project for a maximum grant amount of $59,799.00. Incentive funds shall be used to reimburse City Hall HVAC improvement capital budget acct #09127100 5777 00439.

11. Authorize the Mayor, Harry W. Rilling, to execute a License Agreement (retroactive from July 1, 2014 and ending June 30, 2015) with WorkPlace for the use of Room #308, #309, Office and closet at Ben Franklin Center for $4,870 per year/ $405.84 per month.

12. Authorize the Mayor, Harry W. Rilling, to execute a License Agreement (retroactive from July 1, 2014 and ending June 30, 2015) with Spring Harvest Ministry for the use of the community room, Room 217A and 21 7B at Ben Franklin Center for $16,560 per year/ $1,380 per month.

14. Authorize to amend Norwalk Housing Authority's Management—Agreement to operate the Childcare Programs at Ben Franklin Center to include the use of Room #204 and #209 and assess the proportion share of utility expenses for the two classrooms.

PLANNING COMMITTEE
2. Approve the request to extend the agreement designating the Norwalk Redevelopment Agency as the administrator to the City's annual CDBG entitlement grant and authorize Mayor Rilling to execute such agreement.

<u>Health, Welfare, Public Safety</u>

Ms. Maggio moved the following items for discussion.

A. HEALTH, WELFARE & PUBLIC SAFETY

Authorize the purchasing agent to execute a purchase order, on behalf of the Norwalk Police Department, to JAC Technologies Inc.(d/b/a Fire Tech Engineered Systems), the low bidder, for the purchase and installation of the NPD Access Control System, for the amount not to exceed $38,750.
Account # 0915 3010 5777 C0540

Authorize the purchasing agent to execute change orders, on behalf of the Norwalk Police Department, to JAC Technologies, Inc. (d/b/a Fire Tech Engineered Systems), for the amount not to exceed $8000.00
Account # 0915 3010 5777 C0540

Authorize the Purchasing Agent to issue a purchase order to Kovatch Mobile Equipment Corporation (KME) for Project #3418 Pumper Trucks – Fire Department for two (2) Pumper Trucks in the amount of $963,664.00 and a contingency of 3.6 % for a total cost not to exceed $1,000,000.00.
Account #09133110 - 5777– CO 437

Authorize the Mayor, Harry W. Rilling to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Department of Transportation, in the amount of $14,700.00 with the City of Norwalk Police Department responsible for $3,675.00

Authorize the Police Chief, Thomas E. Kulhawik to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement all programs through Connecticut Department of Transportation Distracted Driving Grant, pursuant to such grant funding.

A. HEALTH, WELFARE & PUBLIC SAFETY

Ms. Maggio moved the item for discussion.

Mr. Kimmel asked that it appeared Items one and two were the same and he found the back up documentation confusing on the $8,000 change order amount as to the high percentage for contingency. Deputy Chief Zecca and Lt. Mark Lepore came forward and explained that 20% was necessary in order to access control for this software change and integration.

**** MS. MAGGIO MOVED TO AUTHORIZE THE PURCHASING AGENT TO EXECUTE A PURCHASE ORDER, ON BEHALF OF THE NORWALK POLICE DEPARTMENT, TO JAC TECHNOLOGIES LNC.(D/BA FIRE TECH ENGINEERED SYSTEMS), THE LOW BIDDER, FOR THE PURCHASE AND INSTALLATION OF THE NPD ACCESS CONTROL SYSTEM, FOR THE AMOUNT NOT TO EXCEED $38,750.ACCOUNT # 0915 3010 5777 00540. AND TO AUTHORIZE THE PURCHASING AGENT TO EXECUTE CHANGE ORDERS, ON BEHALF OF THE NORWALK POLICE DEPARTMENT, TO JAC TECHNOLOGIES, INC. (D/B/A FIRE TECH ENGINEERED SYSTEMS), FOR THE AMOUNT NOT TO EXCEED $8,000. ACCOUNT # 0915 3010 5777 00540.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Bowman asked about the lifespan of the pumper truck and Assistant Fire Chief Reilly came forward and went through the supporting documents. He explained that approximately 15 years and cost for repair far outweighed the replacement value of the current trucks.

**** MS. MAGGIO MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO KOVATCH MOBILE EQUIPMENT CORPORATION (KME) FOR PROJECT #3418 PUMPER TRUCKS — FIRE DEPARTMENT FOR TWO (2) PUMPER TRUCKS IN THE AMOUNT OF $963,664.00 AND A CONTINGENCY OF 3.6 % FOR A TOTAL COST NOT TO EXCEED $1,000,000. ACCOUNT#09133110-5777—C0437**
**** MOTION PASSED UNANIMOUSLY.**

Ms. Maggio presented the next two items together as one and clarified that they were reviewed in Committee despite the presence of a quorum Mr. Bonenfant and Mr. Kimmel did review the detailed bid package.

**** MS. MAGGIO MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CONNECTICUT DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF $14,700.00 WITH THE CITY OF NORWALK POLICE DEPARTMENT RESPONSIBLE FOR $3,675.**
AND TO
AUTHORIZE THE POLICE CHIEF, THOMAS E. KULHAWIK TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS AND AMENDMENTS THERETO AS MAY BE NECESSARY TO IMPLEMENT ALL PROGRAMS THROUGH CONNECTICUT DEPARTMENT OF TRANSPORTATION DISTRACTED DRIVING GRANT, PURSUANT TO SUCH GRANT FUNDING.
**** MOTION PASSED UNANIMOUSLY.**

<u>LAND USE AND BUILDING MANAGEMENT.</u>

Mr. Bonenfant asked to have the following items #5-9 grouped together as they were all Board of Education Capital Budget items. He then moved the items for discussion.

5. Authorize the Purchasing Agent to issue a Purchase Order to CDW G for the purchase of Chromebooks (2,130 @ $296 ea = $630,480) and Datamation Carts (72 © $965 ea = $69,480) for Board of Education for a total of $ 699,960.00. Account # 09155010-5777-C0538.

6. Authorize the Purchasing Agent to issue a Purchase Order to for the purchase of 600 Laptops for Board of Education for a total not to exceed $290,940. Acct #09155010-5777-00112.

7. Authorize the Purchasing Agent to issue a Purchasing Order to Apple Computer for the purchase of iMacs (70 © 1,409 ea = $73,430) and Macbooks (16 @ $849.00 = $14,048.00) for Board of Education for a total not to exceed $87478.00. Account# 091550105777-00112.

8. Authorize the Purchasing Agent to issue a Purchase Order to Hewlett Packard for the purchase of 85 desktops for Board of Education for a total not to exceed $56,674.60.
Acct. # 09155010-5777-00112.
9. Authorize the Purchasing Agent to issue a Purchase Order to ePlus for the purchase of 2 Palo Alto Networks webfilter for Board of Education for a total not to exceed $25,531.92.
Acct. #09155010-5777-00112

Mr. Kimmel stated that he would not support these items based on the process and procedure. He reviewed the history with the Board of Education and the ongoing practice of bringing items through to the Council that have not been vetted through a Technology Committee or even through the Board of Education meeting approval process. He cited examples of ten years ago when he served on the Committee the Common Council and items were coming through purchasing without the oversight of the Board of Education, and he has continuously asked that this be corrected. He stated that the projects are good and represent capital budgeting money being put to good use, he just has to vote no based on the dysfunctional process.

Mr. Hempstead stated that while he agrees with Mr. Kimmel, he does not want to risk a delay in the procurement and installation of much needed technology equipment and software.

**** MR. BONENFANT MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO CDW-G FOR THE PURCHASE OF CHROMEBOOKS (2,130 @ $296 EA = $630,480) AND DATAMATION CARTS (72 © $965 EA = $69,480) FOR BOARD OF EDUCATION FOR A TOTAL OF $ 699,960.00. ACCOUNT # 09155010-5777-C0538.**

AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO SHIFOR THE PURCHASE OF 600 LAPTOPS FOR BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED $290,940. ACCT #09155010-5777-00112.

AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASING ORDER TO APPLE COMPUTER FOR THE PURCHASE OF IMACS (70 © 1,409 EA = $73,430) AND MACBOOKS (16 @ $849.00 = $14,048.00) FOR BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED $87478.00. ACCOUNT# 091550105777-00112.

**AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO HEWLETT PACKARD FOR THE PURCHASE OF 85 DESKTOPS FOR BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED $56,674.60.
ACCT. # 09155010-5777-00112.**

**AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO EPLUS FOR THE PURCHASE OF 2 PALO ALTO NETWORKS WEBFILTER FOR BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED $25,531.92.
ACCT. #09155010-5777-00112**
**** MOTION TO APPROVE ITEMS VII.C5, 6, 7, 8, 9 PASSED UNANIMOUSLY.**

Land Use & Building Management – continued.

13.Authorize the Mayor, Harry W. Rilling, to execute a License Agreement (retroactive from July 1, 2014 and ending June 30, 2015) with Helping Our People Excell Inc. / Hope Inc. for the use of Room 301 at Ben Franklin Center for $1,740 per year/ $145 per month, subject to receipt of insurance certificate within 30 days of Common Council action.
Mr. Bonenfant moved the item for discussion.
****Ms. Stewart recused herself from, left the Chambers at 8:33 p.m. and returned at 9:00 p.m.***

Mr. Bonenfant moved the item for discussion and stated that he questioned the process and Ms. Stewart should have gone through the proper channels. He reviewed the history of the bankruptcy of NEON and in view of this situation the Council has to be cautious to follow procedure.
Mr. Kimmel stated that he appreciates Mr. Bonenfant's comments, but this is a very different situation in that the room was where Ms. Stewart had previously operated the HOPE program.
Mr. McCarthy stated that there was no information or proof of documentation that HOPE was a non-profit organization. Mr. Lo came forward and explained that the 503c application is in process but it has not been formally established as a non-profit.

Ms. Bowman stated that she fully supports Ms. Stewart and this is a situation in that the room was where she had previously operated the HOPE program doing great things for this needy segment of the City and underprivileged part of the Community.

Mr. Petrini stated that this is a short term agreement for only one year and should be granted in order to continue a very worthwhile program that Ms. Stewart has done for the community.

Mr. Hempstead noted that this is evidence of gaps in policies and procedures that need to be addressed by the Council.

Mr. Simms stated that he fully supports Ms. Stewart and the HOPE program is doing great things for the underprivileged part of the Community and should be granted in order to continue a very worthwhile program.

**** MR. BONENFANT MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A LICENSE AGREEMENT (RETROACTIVE FROM JULY 1, 2014 AND ENDING JUNE 30, 2015) WITH HELPING OUR PEOPLE EXCELL INC. / HOPE INC. FOR THE USE OF ROOM 301 AT BEN FRANKLIN CENTER FOR $1,740 PER YEAR/ $145 PER MONTH, SUBJECT TO RECEIPT OF INSURANCE CERTIFICATE WITHIN 30 DAYS OF COMMON COUNCIL ACTION.**
**** MOTION PASSED WITH TWELVE VOTES IN FAVOR, ONE OPPOSED (BONENFANT) AND ONE ABSTENTION (MCCARTHY)**

PLANNING COMMITTEE

1. Approve Smith Street Option Agreement

Mr. Hempstead gave an overview of the history of the project. He explained that the Committee believes this project will be a major improvement to the Wall Street area and a catalyst for other development which is sorely needed. He added that the renovation plans for Mill Hill and this option agreement are needed to advance the plans for the overall project.

Mayor Rilling stated that the cooperative spirit it to be commended and he thanked those involved with this including Planning & Zoning, the Law Department, the Historical Commission, and the Redevelopment Agency for all the hard work.

** **MR. HEMPSTEAD MOVED TO APPROVE THE SMITH STREET OPTION AGREEMENT.**
**** MOTION PASSED UNANIMOUSLY.**

3. The Common Council approves the following actions regarding POKO's extension request as submitted to the City in April of 2014:

a. Deny the Redeveloper's request as submitted
b. Approve the alternative extension provisions and related thresholds as outlined in the attached memo.
c. Authorize Mayor Harry W. Rilling to execute an extension agreement reflective of such provisions and thresholds

There was discussion and debate on the item. Mr. Kimmel gave an overview of the project and explained the details of past extensions and reciting the challenges that POKO has faced, including 15 months to get zoning approval. He explained that because of some appeals and the lengthy nature of our zoning process in general, the economic crash in 2008 resulted in ensuing difficulty in getting financing. He added that the financing for this project would always be more difficult than usual because it has an excellent affordable housing component, and those things are real. He asked Mr. Sheehan to address Mr. Davidson's comments made during public comments and the suggested limits and conditions.

Mr. Sheehan came forward that replied that POKO would go into arbitration and mediation under that proposed provision. Mr. Kimmel stated that loose language in the LDA, the city would be backed into a corner if it declared POKO in default and might well lose the ensuing court battle.

Mr. Kimmel further explained that after the recession, after the zoning mess, after everything that happened, we finally got our act together. Both sides, we are on the same page, we have agreed to these thresholds so let's go forward. We'll see what happens, if thresholds are met or if thresholds are not met, I am not going to be amenable to an extension if in five months these thresholds have not been met.

Mr. Hempstead cited his long history with the project and outlined his reasons why he would not support the extension. Mr. Hempstead said that it's like anything, you kind of kick the dog enough, the dog is not going to come when you call it. He explained that Mr. Olson should have asked for the extension much sooner, he has lost confidence in this developer to finish this project and that has been tainted by decision making because I think we are still doing nothing but delaying the inevitable. Mr. Hempstead expressed disappointment that the project was originally designed as condominiums, but once the recession hit financing for that was impossible as the market bottomed out, and it's all rentals now.

Mr. McCarthy said he didn't know tonight that the rock was here and the hard place was behind him, and while he did want to support it but can't. He stated that he agreed with Mr. Kimmel that the LDA should have been written better but said the list of problems seemed to him to be excuses. If affordable housing makes it more difficult to get funding, that suggests that the market doesn't support affordable housing. He added that he had heard the underground garage described as being silly and that he agreed with that assessment.

Mr. Petrini provided with a list of businesses that once thrived on Wall Street, including Kiddy Town, Steinbeck's, Sears, Jeffery's Men Shop, Greenburg's, Green's, Norwalk Saving Society, Merchant's Bank, Bargain World and Pathmark. He added that Wall Street is the heart of Norwalk and in any living body you need to have a healthy heart, the heart of our city, Wall Street, is on life support and has been for a very, very long time. He said that a handshake with Mr. Olson meant more than paperwork written by lawyers. He added that he has been waiting and waiting for a rebirth, for a change, some life, and now it looks like it could and it might happen again. He stated that shattered trust goes beyond a handshake and if the benchmarks are not made, he will be the first one to lead the charge of default. He added that this project will be under a microscope and POKO must deliver.

Mr. Igneri said he agreed with a lot of what Mr. Hempstead and Mr. McCarthy said, but feels we have to move forward, we have to do this, and he is going to be voting yes. He thanked Mr. Petrini for putting this into a perspective and he agreed with his summary.

Mayor Rilling seconded Mr. Petrini's comments, listing Wall Street businesses that he remembered, including Atlantic Meat Market, Charlie's Army and Navy, ABC Television and Windsor Drug. He added that we have watched as Wall Street has foundered and this project is something that will see that turn around. After we have invested so much time and energy right now, let's keep it going and give that 150-day extension based on the agreement so that we can now make sure that we have done everything that we can possibly do to support the project.

Mr. Hempstead stated that he differs with his colleagues and stated that he was not supporting this extension request. He outlined that the Redeveloper understood over a year ago that meeting either of these project deadlines had been eclipsed. He added that choosing to wait until last minute on the first timeline prior to making the extension request is not seen by staff as the best way in which to confront developmental obstacles between parties bound by a mutual agreement.

Mr. Hempstead read from supporting documents in the agenda packet and requested the following be included in the motion as documentation of the agreements:

ACTIONS

I. Extend by written agreement that incorporates the incremental development thresholds below to be achieved by the Redeveloper the delivery of the Certificates of Occupancy for all the Phase I Improvements in a form acceptable to the Redevelopment Agency by a period of 30 months from the date of the authorizing action.

II. Authorize extending the LDA by written agreement, incorporating the incremental development thresholds below to be achieved by the Redeveloper for the Phase II Improvements by 30 months. The extension of the LDA would be authorized to commence 30 months after the initial Extension Agreement is executed and conditioned on the Redeveloper evidencing to the Redevelopment Agency the Certificates of Occupancy for the Phase I Improvements and committed financing for the Phase II Improvements prior to that date.

III. Authorize the Redevelopment Agency to record the extension of the LDA upon its acceptance of the Certificates of Occupancy for the Phase I Improvements.

Phase I Improvement Extension Thresholds

I. Within 150 days of the extension the Redeveloper will evidence: that the governmental permits pertaining to zoning and demolition have been secured for Phase I, that an updated Phase II environmental assessment of the site has been completed, that any subsequent environmental mitigation plan has been approved by the responsible governing body, that the Redevelopment Agency has certified the evidence of committed construction and permanent financing (public, commercial and equity) required to complete the Phase I Improvements. The term committed in this regard shall mean closed upon.

II. Within 250 days of the extension date the Redeveloper will evidence: finalized stamped construction drawings for the Phase I improvements both offsite and onsite, a signed contract with a General Contractor to construct the improvements, a project construction and mobilization schedule, completion of structural remediation and clearance of the existing structures, issuance of a foundation permit.

POKO's extension request – threshold provisions--continued.

III. Within 365 days of the extension date the Redeveloper will evidence: completion of ground remediation, completion of foundation work and certification thereof, a construction permit for all Phase I Improvements and advancement of structural framing.

IV. Within 30 months of the authorizing action the Redeveloper will evidence the issuance of Certificate of Occupancy Permits acceptable to the Redevelopment Agency for all the Phase I Improvements and the permanent and construction financing for the Phase II Improvements. Upon providing such within 30 months of the initial extension agreement, the LDA shall be extended by an additional 30 months to accommodate the Phase II Improvements.

Phase II Improvement Thresholds

I. Within 250 days of the LDA extension being recorded the Redeveloper will evidence: finalized stamped construction drawings for the Phase II improvements, a signed contract with a General Contractor to construct the improvements, a project construction and mobilization schedule, completion of remediation and the issuance of a foundation permit.

II. Within 365 days of the LDA being extended the Redeveloper will evidence: completion of remediation work, an accepted foundation, a construction permit for all Phase II Improvements and the advancement of structural framing.

III. Within 30 months from the LDA being extended the Redeveloper will evidence Certificates of Occupancy Permits for all Phase II Improvements to the Redevelopment Agency.

**** MR. PETRINI MOVED TO APPROVE THE FOLLOWING:**
THE COMMON COUNCIL APPROVES THE FOLLOWING ACTIONS REGARDING POKO'S EXTENSION REQUEST AS SUBMITTED TO THE CITY IN APRIL OF 2014:
A. DENY THE REDEVELOPER'S REQUEST AS SUBMITTED
B. APPROVE THE ALTERNATIVE EXTENSION PROVISIONS AND RELATED THRESHOLDS AS OUTLINED IN THE ATTACHED MEMO.
C. AUTHORIZE MAYOR HARRY W. RILLING TO EXECUTE AN EXTENSION AGREEMENT REFLECTIVE OF SUCH PROVISIONS AND THRESHOLDS AS OUTLINED ABOVE.
**** MOTION PASSED WITH NINE VOTES IN FAVOR, (BOWMAN, IGNERI, IANNACCONE, KIMMEL MELENDEZ, KYDES, PETRINI, SIMMS, STEWART) FIVE OPPOSED (BONENFANT, HEMPSTEAD, MAGGIO, MCCARTHY, O'TOOLE-GIANDURCO) AND NO ABSTENTIONS.**

E. CORPORATION COUNSEL

Discussion of pending litigation in the case of Al Madany Islamic Center of Norwalk, Inc. v. Norwalk, Et. Al, 3:12-C V-00949-MPS.

** **MR. HEMPSTEAD MOVED TO ENTER INTO EXECUTIVE SESSION FOR PURPOSE OF DISCUSSION OF PENDING LITIGATION IN THE CASE OF AL MADANY ISLAMIC CENTER OF NORWALK, INC. V. NORWALK, ET. AL, 3:12-C V-00949-MPS.**
** **MOTION PASSED UNANIMOUSLY.**

Mayor Rilling called for a five minute recess.

The meeting went into executive session at 9:30 p.m. and was reconvened into public session at 10:30 p.m.

There was no action taken.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE – none

X. SUSPENSION OF RULES - none

XI. ADJOURNMENT

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

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Marilyn Knox;
Telesco Secretarial Services

ATTEST

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Donna King, City Clerk