

**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. He called for a moment of silence in respect for City Finance Director, Tom Hamilton, to acknowledge the loss of his mother.

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
District A:	Ms. Eloisa Melendez	Mr. David Watts
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: Sharon Stewart.

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

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. Pat Spinola, 97 County Street, Norwalk spoke in favor of the Nathan Hale Middle School field project of turn and lighting. He complimented Parks & Recreation for the outstanding work done on all Norwalk City parks, beaches and fields. He spoke about the need for field space and to keep athletic programs feasible in the City requires progress to have field usage increased and accessible in conjunction with the public schools. He spoke how well the resident concerns were addressed at the recent public hearing with improvements to draining with the irrigation systems with the new turf field. He added that lights on time limits and no speaker system are in place, lights are technically sound, directed, tested in line with both Brien McMahon and Norwalk High. He encouraged the Council to approve this field modification to increase athletic and extra curricular activity for kid's health & wellness.

Public Comments -- continued

2. Mr. Jack Couch, 32 Rowan Street, Norwalk, spoke about the need for field space and to keep athletic programs feasible in the City requires progress to have field usage increased that is turf, which is weather and conditioned and accessible in conjunction with the public schools. He reviewed data in comparison to surrounding towns and reported that Norwalk is 32% less field accessible for students, which is a huge handicap with practice schedules and a hindrance to athletic development. He added that lights on time limits and no speaker system are in place, lights are technically sound, directed, tested in line with both Brien McMahon and Norwalk High. He encouraged the Council to approve this field modification to increase athletic and extra curricular activity for kid's health & wellness.
3. Mr. Brandon Bowden, Strawberry Hill resident, referred to an email sent to the Zoning Commission to the project at Nathan Hale Middle School which is a fine project and well done. He asked to keep respect with neighbors as this is a residential district and asked that lights be out at 9 p.m. Brandon Bone said many in the neighborhood around the school go to bed at 8 or 8:30 p.m. and he is not opposed to activities for our children but please keep in mind that it is and always has been a residential neighborhood, so please respect the neighborhood. He added that per the Zoning Commission approval granted last week, no amplified sound systems, temporary or permanent, may be used at the fields, and the fields may not be rented to commercial users. He added that thee needs to be collaboration to make sure restrictions are adhered to and usage is monitored.
4. Mr. Richard Kestenbaum, 29 William Street, referred to his letter to the Zoning Commission of July 16 in opposition to the lighting at Nathan Hale Middle School. He asked for his letter to be submitted into the record (see pages 13-14). He cited an enormous potential for abuse of the rules for the field, and the plans were completely in violation of the Plan of Conservation and Development which calls for protecting neighborhoods and protecting property values.
5. Mr. Mark Simon, Lyncrest Drive, read his statement in opposition to the lighting at Nathan Hale Middle School and he asked for it to be submitted into the record (see pages 15-19).
6. Anna Duleep, 3 Briarwood Road stated that she wanted to speak on item VII A.8 Parks & Recreation grant for Ely Park. She stated that she is former chair of Parks & Recreation and affiliated with Friends of Ryan Park and urged the Council to seek this federal funding for park improvements. She stated that she strongly supports the reappointment of Mr. Sumptner that he has served the commission for several years, first as an alternate and on as a Commissioner and should stay. She said he informs people why he votes, is well known, respectful, intelligent, votes with passion and gets people thinking on ways to enrich the City. She encouraged the Council to support this reappointment.
7. Mike Mushak, 50 Elmwood Avenue spoke in support of the reappointment of Mr. Sumpter and stated that Norwalk is better off with him as we need smart thinking folks like Nate Sumpter on our Zoning Commission. He offers a much needed perspective representing the heavily minority and lower income community of South Norwalk. He added that there needs to be action on improved development in under used and blighted sites in SONO, which would bring more businesses, jobs and housing to add to our tax base and help Norwalk grow, while protecting the existing community. He asked who is going to step in here and start fixing our code and our dysfunctional planning process not turn it progressive and to fix Norwalk or it's broken zoning code and stated that Mr. Sumptner will provide leadership to fight for smart changes in fixing the broken code.

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Public Comments -- continued

8. Mr. Bob Fosina, 206 Ponus Avenue spoke in support of the Nathan Hale field project on behalf of the Norwalk Junior Soccer Association. He gave numbers of members and spoke how investing in turf fields boosts the City. He spoke on the need for robust programs and fields that are safe and secure, not having to fill holes and patch seeding that take up budget resources. He gave examples of how overuse wears the field down and is a dangerous cycle and that through upgrading this it enables programs to thrive in conjunction with the schools. He thanked Mayor Rilling for opening up many of the City gyms but this competes with indoor sports and there are limitations. He gave statistics on teenage drug use and increased behavior issues with inactivity and related how increased extra circular programs lower discipline and produce honor roll students focused on health and education. He added that poor fields in Norwalk in comparison to neighboring towns is a strong factor with the local economy and stated that improved fields boost and show off the towns and bring in tournaments and spending to the areas and creates a stronger community. He suggested that a parent support system be in place to manage the controls on guidelines to monitor this prudent investment.
9. Gina Arena, 37 Dairy Farm Road, stated that she is a parent of athletes and was in opposition to the lighting at Nathan Hale Middle School. She stated that the Zoning Commission ignored the quality of life complaints of residents and he asked for other locations to be looked at such as Andrews Field or All Saints. She asked why the City is subsidizing this as it did not with SONO Ice House and other recreation places. She spoke about the construction timing and stated hat it should be moved from September to June so it did not conflict with education and disrupt the school schedules.

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 8:25 p.m. Mr. McCarthy stated that many comments were very lengthy tonight and well exceeded the three minute limit asked the Mayor to enforce the guidelines for public comments. Mayor Rilling noted that while he does not want to cut people off with comments, he will note this in the future meetings and include the three minute limit notation on the sign up sheet.

II. ACCEPTANCE OF MINUTES - Regular Meeting – July 8, 2014

- ** MR. MCCARTHY MOVED TO APPROVE THE MINUTES FROM THE MEETING OF JULY 8, 2014 AS SUBMITTED**
- ** THE MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, NONE OPPOSED AND ONE ABSTENTION (IANNACCONE).**

RESIGNATIONS AND APPOINTMENTS

Reappointment: Nathan Sumpter - Norwalk Zoning Commission

Mr. Simms stated that he strongly supports the reappointment of Mr. Sumpter that he has served the commission for several years, first as an alternate and as a Commissioner and he should stay. He encouraged the Council to support this reappointment.

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Mr. Kimmel stated that Mr. Sumpter had a very impressive commitment to serve, and he follows principles to do what is right for the City.

Mr. McCarthy's stated that while Mr. Sumpter is a good guy, but because the relationship is valuable he felt he needed to comment further. Mr. McCarthy referred to serving with Sumpter on the Zoning Commission before he was elected to the Common Council in 2011. He explained that there were comments, actions and votes that were not in keeping with the standards of the Zoning Commission and would prevent him from supporting him at this time.

Ms. Bowman stated she wanted to echo the comments made in support of the reappointment of Mr. Sumpter.

Mr. Watts said Mr. Sumpter will continue to fight for what he believes in and do it the right way. He's an honorable man, a true public servant and we should just move on and reconfirm him.

Mr. McCarthy said he agreed with Mr. Sumpter, including putting affordable housing into Ironworks SONO. He explained that it's not any individual vote, but during his time on the Zoning Commission there were some comments made that he considered over the ethical line.

Mr. Kimmel stated that he had questioned those who trashed Mr. Sumpter's character, and there was no foundation, no basis for anything that was said. He added that he was concerned about a style of politics that is best described as witch hunting, and hopes for it cease and it never happens again as it doesn't bring us together as a community.

Mr. Hempstead stated that the Council's process for confirming mayoral appointments is not pristine, and people have their own reasons for how they vote; we are all entitled to an opinion, but there is a process in place within our ordinances of what we are supposed to do in those cases that allows anonymity in the beginning and some things to be proved. He added Mr. Sumpter represents a point of view that is needed on the Zoning Commission.

Mayor Rilling noted that he had served on the Zoning Commission with Mr. Sumpter and had found him to be fair and one that did thoughtful research and looked out for the best interests of the City. He stated that he was pleased to recommend him for reappointment.

**** MR. SIMMS MOVED TO ACCEPT THE REAPPOINTMENT OF
NATHAN SUMPTER TO THE ZONING COMMISSION WITH A TERM TO
EXPIRE JULY 1, 2017.**

**** MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, ONE OPPOSED
(MCCARTHY) AND NO ABSTENTIONS.**

Mayor Rilling noted that at the last meeting Council President Hempstead reinstated a past practice of swearing in appointees that were in attendance during the Council meeting.

**Mr. Nathan Sumpter was then sworn for the reappointment to the Zoning Commission by
City Clerk King and was acknowledged by members of the Council and audience.**

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MAYOR COMMENTS:

Mayor Rilling announced the following upcoming events:

- Elizabeth Stocker has been named the Economic Development Director, and brings prior experience in the City and an impressive background in Urban Planning. This is a position that is critical to the future of Norwalk, and we are poised to move forward in a way not seen in Norwalk's past. He noted that Ms. Stocker has started her involvement by attending meetings before actually being on the clock.
- July 28 will be a Blood Drive at City Hall, and he will be there donating blood.
- Upcoming Events: Concerts at Calf Pasture Beach with car shows and all city parks are in great shape considering little resources which is tribute to Mike Moccia and the Recreation and Parks Department. There are also concerts scheduled for the Maritime Aquarium lot on Sundays in August and at 50 Washington Street.
- Norwalk Little League 12-year old team has won seven consecutive games after losing the first to Stamford, and they will be acknowledged at the Calf Beach concert.
- Norwalk Acts had a public signing of a MOU for the Cradle to Career program in collaboration with Norwalk Public Schools and early childhood education.

COUNCIL PRESIDENT

Mr. Hempstead stated that he wanted to echo the Mayor's comments on the outstanding condition of City parks and the beach and to note that special arts programs and events include Seaport Association, Kayak for a Cause and so many other non-profit sponsored programs that set Norwalk apart as a remarkable City. He reminded all to check the calendar of events as posted on the City's website.

Mr. Hempstead stated he was deviating from the order on the agenda and noted that the Addition to the Council Rules would be addressed with further comment after the consent calendar.

Mr. Hempstead announced to members of the audience that if an item was on consent that it represented Council approval, and representatives of items were free to leave the meeting.

CONSENT CALENDAR

**** MR. HEMPSTEAD MOVED THE CONSENT CALENDAR AS FOLLOWS:
VII. A.1; (REFER TO LAND USE COMMITTEE FOR PROCEDURE)
A2, A3, A5, A6, A8; B1, B2, B3; C1; D1.**

Items on the Consent Calendar are in bold as follows:

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS & CULTURAL AFFAIRS

1. Approve the name change of Witch Park in Rowayton to the 'Old School Field'.

***ON CONSENT TO REFER TO LAND USE AND BUILDING MANAGEMENT TO
FOLLOW THE ORDINANCE PROCEDURE.**

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Consent Calendar -- continued

- 2. Authorize the Mayor. Harry W. Rilling to enter into an agreement with Sarra Nelson to use the Calf Pasture Beach Softball Fields for the Franky Schettino Memorial Tournament to be held Saturday, September 13, 2014 with a Rain Date of Saturday, September 20, 2014 from 8:00 AM — 7:00 PM. Estimated attendance 100.**
- 3. Authorize the Mayor. Harry W. Rilling to enter into an agreement with Young Life Norwalk to use Calf Pasture Beach for the Young Life Norwalk Splatter Run to be held Sunday, October 5, 2014 from 9:00 AM — 11:30AM. Set-up to take place Sunday, October 5, 2014 at 6:45 AM with tear down no later than 12:00 PM on Sunday, October 5, 2014. Estimated attendance 200-300.**
- 5. Authorize the Purchasing Director to issue a Purchase Order to Turf Products LLC Project #3430 Toro Groundsmaster 360 for an amount not to exceed \$22,972.80. Account #0915-6030-5777-00486.**
- 6. Authorize the Mayor. Harry W. Rilling to enter into an agreement with Field Turf USA, Inc. (sole source) for the Synthetic Turf Surface at the Nathan Hale Middle School for a total not to exceed \$905.993.07 Account #091 3-6030-5777-C0518.**
- 8. Authorize the Recreation and Parks Department to apply for a grant from the Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program to improve recreational facilities at Ely Park.**

B. FINANCE COMMITTEE

- 1. Accept and Approve the Report of the Claims Committee Dated: July 10, 2014.**
- 2. For informational purposes only: Monthly Tax Collector's Report Dated: June 30, 2014.**
- 3. For informational purposes only: Narrative on Tax Collections dated July 10, 2014.**

C. HEALTH, WELFARE & PUBLIC SAFETY

- 1. Authorize the Mayor. Harry Ruling to execute the renewal of the Emergency Communications Network (Code Red) contract for the period July 1, 2014 through June 30, 2015 for the amount not to exceed \$37,500 to execute any future contract renewals with the same vendor, for total annual renewals not to exceed \$37,500. (Account No. 013160-5258)**

D. ORDINANCE

- 1. Approve proposed Ordinance changes:
Norwalk Code Chapter 96, Excavations and Encroachment in Public Streets and Grounds**

**** MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

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GENERAL COUNCIL BUSINESS

Addition to the Council Rules

Mr. Hempstead moved the item for discussion.

Mr. Kimmel stated that he supports this with reservations and noted that in the upcoming budget cycle this should be treated as other line items with budgeted expenditures based on anticipated expenses.

**** MR. WATTS MOVED TO TABLE THE ITEM FOR FURTHER REVIEW UNTIL THE NEXT COUNCIL MEETING.**

**** MOTION FAILED WITH SIX VOTES IN FAVOR (BOWMAN, KYDES, MELENDEZ, SIMMS, IGNERI, WATTS) EIGHT OPPOSED (BONENFANT, HEMPSTEAD, IANNACONE, KIMMEL, MAGGIO, MCARTHY, O'TOOLE-GIANDURCO, PETRINI)**

Mr. Watts stated that what just happened as a political maneuver to use majority leverage and prevent Council members to do their diligence by evaluating this item, and he strongly resents this action to prevent tabling an item. He added that he was asking for more time to review this and felt that it was a reasonable request.

Mr. McCarthy stated that there was more than enough time because it was vetted through the Finance Committee and language can always be amended as situations arise.

Mr. Hempstead stated that this outline was an attempt to have written guidelines as requested by the BET and to have something to use to approve expense reimbursements approved. He added that it was vetted through the Finance Committee over the past six weeks, and he received no comment from Mr. Watts, who serves on the Committee and was present for the item discussion. He added that this is very frustrating, and he takes offense for a request at this time for a delay when it has gone through procedure.

Mr. Petrini stated that he is in agreement with Mr. Hempstead's comments and it was vetted through the Finance Committee with a draft in June without comment. He added that it should be considered a work in progress where specific language can always be amended as situations arise, but it was important to get it moving.

Mr. Kimmel commended Mr. McCarthy and Mr. Hempstead on all the hard work in developing this guideline.

**** MR. HEMPSTEAD MOVED TO APPROVE THE ADDITION TO COUNCIL RULES GUIDELINE FOR COUNCIL MEMBER EXPENSES AS PRESENTED.**

**** MOTION PASSED WITH NINE VOTES IN FAVOR ((BONENFANT, HEMPSTEAD, IANNACONE, IGNERI, KIMMEL, MAGGIO, MCARTHY, O'TOOLE-GIANDURCO, PETRINI), TWO OPPOSED (WATTS, SIMMS) THREE ABSTENTIONS (BOWMAN, KYDES, MELENDEZ).**

A. RECREATION, PARKS, AND CULTURAL AFFAIRS

4. Authorize the Mayor, Harry W. Rilling to enter into an agreement with NRKE LLC, D.B.A. Beer Garden SONO for the use of Oyster Shell Park for an October Festival to be held Saturday, October 4, 2014 with a rain date of Sunday, October 5, 2014 from 3:00 PM — 11:00 PM. Set to take place at 8:00 AM Thursday, October 2, 2014 with tear down no later than 12:00 Noon on Sunday, October 5, 2014. Estimated attendance 2,500.

Mr. Petrini recused himself and left the meeting at 9:15 p.m. and returned following the vote.

Ms. O'Toole-Giandurco moved the item for discussion. Mayor Rilling noted that the date of October 5 as the teardown conflicted with the rain date and suggested a modified date.

**** MR. MCCARTHY MOVED TO AMEND THE ITEM TO ADD THE WORDING
"IN THE EVENT OF RAIN THE EVENT TEAR DOWN WOULD BE MONDAY
OCTOBER 6, 2014."**

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

**** MS. O'TOOLE-GIANDURCO MOVED TO AUTHORIZE THE MAYOR,
HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH NRKE LLC, D.B.A.
BEER GARDEN SONO FOR THE USE OF OYSTER SHELL PARK FOR AN
OCTOBER FESTIVAL TO BE HELD SATURDAY, OCTOBER 4, 2014 WITH A RAIN
DATE OF SUNDAY, OCTOBER 5, 2014 FROM 3:00 PM — 11:00 PM.
SET TO TAKE PLACE AT 8:00 AM THURSDAY, OCTOBER 2, 2014 WITH TEAR
DOWN NO LATER THAN 12:00 NOON ON SUNDAY, OCTOBER 5, 2014. IN THE
EVENT OF RAIN THE EVENT TEAR DOWN WOULD BE MONDAY, OCTOBER 6,
2014. ESTIMATED ATTENDANCE 2,500.**

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

7. A) Authorize the Mayor, Harry W. Rilling to enter into an agreement with Turco Golf Inc. project #3436 -Athletic Field Renovation at Nathan Hale Middle School for a total not to exceed \$2,072,179. Acct #s 0911-6030-5777-C0486. 0913-6030-5777-00518, 0915-6030-5777-00518.

B) Authorize the Director of Recreation and Parks to issue change order to TBD for project #3436 Athletic Field Renovation at Nathan Hale Middle School for a sum not to exceed \$125,000. Acct #'s 0911-6030-5777-C0486. 0913-6030-5777-00518, 0915-6030-5777-C0518.

Mr. Petrini moved the items together for discussion and stated that he would yield to other Council Members that wanted to speak and would follow with his comments.

Mr. Kydes said he had been looking at the project from both points of view as a father of two young children, and a council member and he felt the residents' concerns needed to be addressed. He stated that there is an amendment co-sponsored by Mr. Iannaccone, Ms. Melendez, and Ms. Maggio to add a stipulation that lighting purchased under said agreement could not be used after 9:00 p.m.

Recreation, Parks, Cultural Affairs – continued

Ms. Maggio said she had children who would use the fields but felt for the neighbors and suggested the timing of the lights out at 9pm was a good compromise. She added that it should be comparable to sundown on a later, longer day then it wouldn't really affect the residents with the light as much. She acknowledged a comment by a resident (Gina Arena) and apologized that she did not have an opportunity to return her call earlier. She explained that the item has been under review and evaluation for over two years, and there has been a great effort by Mike Mocciaie and the Recreation and Parks Department to be inclusive of neighbors. She added that the public hearing was very comprehensive and residents were included in other meetings to discuss drainage improvements. She suggested that there be an Ad-Hoc Committee to monitor guidelines throughout the implementation and construction of the project to meet with neighbors, and Recreation, Parks and Cultural Affairs Committee on a regular basis to address concerns of the residents.

Ms. Maggio asked the Council to support the amendment to add a stipulation that timing guidelines for the lighting are that they could not be used after 9:00 p.m.

Mr. Petrini stated that the recreation and Parks Department has worked closely with many sports teams and leagues in the city on this project, and has done a very comprehensive planning and development of the turf and lighting engaging the residents throughout the process. He acknowledged those who spoke tonight and the ongoing needs in the City for access to improved conditions, schedules and usage for athletic fields.

Mr. Petrini commended Mike Mocciaie and the Parks and Recreation Department on the meetings and the comprehensive job done at the public hearing to bring in all the elements of this evaluation and project implementation. He added that this is just the beginning of a symbiotic relationship between the kids and the neighbors, and adjustments may be made at any time if there are any problems in the future, we will discuss it. He added that if there are problems with the use, the lights, the parking, or curfew time at these fields and reasonable concerns are not addressed, he will make sure concerns or complaints are brought to committee and will be acted upon, and it will not fall on deaf ears.

Mayor Rilling stated that he is impressed with the Council members who truly take to heart what the public says, and it is factored into all their decisions. Mayor Rilling called for a vote on the amendment.

**** MR. KYDES MOVED TO AMEND THE ITEM TO ADD LIGHTING
PURCHASED UNDER SAID AGREEMENT COULD NOT BE USED AFTER
9:00 P.M.
** MOTION TO APPROVE THE AMENDMENT PASSED UNANIMOUSLY.**

Recreation, Parks, Cultural Affairs – Item 7A-7B continued

- ** MR. PETRINI MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH TURCO GOLF INC. PROJECT #3436 - ATHLETIC FIELD RENOVATION AT NATHAN HALE MIDDLE SCHOOL FOR A TOTAL NOT TO EXCEED \$2,072,179. LIGHTING PURCHASED UNDER SAID AGREEMENT COULD NOT BE USED AFTER 9:00 P.M. ACCT #S 0911-6030-5777-C0486. 0913-6030-5777-00518, 0915-6030-5777-00518. AND TO AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO ISSUE CHANGE ORDERS TO TBD FOR PROJECT #3436 ATHLETIC FIELD RENOVATION AT NATHAN HALE MIDDLE SCHOOL FOR A SUM NOT TO EXCEED \$125,000. ACCT #'S 0911-6030-5777-C0486. 0913-6030-5777-00518, 0915-6030-5777-C0518.**
- ** MOTION TO APPROVE PASSED UNANIMOUSLY.**

FINANCE COMMITTEE

4. Authorize the Purchasing Agent, Gerald J. Foley to issue a Purchase Order to Northeastern Communications, Inc. for the supply and installation high-band radio system for an amount not to exceed \$132,594.00. Account 09154031-5777-C0313.

Mr. Kimmel moved the item for discussion and deferred to Mr. McCarthy from Public Works Committee.

Mr. McCarthy reviewed the item and explained that the timing was such that normal bidding procedures were not followed due to the fact that vital communications could not be maintained without the equipment.

Mr. Hempstead stated that he would be voting no due to the process and the absence of normal bidding procedures and guidelines, that it should have gone through the capital budget process but had now become a crisis. He added that we are forced to go through a single vendor, though vetted through the state, and it did not go through a bidding process.

Mr. Kimmel stated that the council was put in a very, very difficult situation where we had severe reservations about process, and it backed us into a corner, where we now have to vote on something the city truly needs. He added that we were told that our radio system, which is a vital, vital communication system, was 30 years old and it was on its last legs, and we desperately and quickly need a new system. He stated that we are also asked to understand or believe for some inexplicable reasons it was not part of the capital budget request. He explained that going out to bid could add another six weeks to the process of getting the system.

Mr. Petrini explained the situation where at one point we were talking about getting well into the winter plowing season without new radios. He added that what is at stake, right now the communication is being handled between dispatch and DPW through hand-held walkie talkies or it can be done by cell phones.

FINANCE COMMITTEE – Item 4 continued

Mr. Petrini reviewed what happened during Hurricane Sandy, the power went down, the cell phones did not work for a number of days, and walkie-talkies do not work in Cranbury, Silvermine and probably the outstretches of Rowayton.

Mr. McCarthy stated that DPW Operations Manager had admitted that the process had not run perfectly, but there were some honest mistakes with the state. He added that Purchasing Agent Gerald Foley has done a significant amount of research that would seem to indicate that we are getting the deal we would have gotten if we put it out to bid.

Mr. Watts said it was déjà vu all over again and compared it to the recent no-bid contract for trash compactors, and here again when we don't think this is the best deal for the city we need to draw the line on this stuff. He added that we need to do it right here because if we vote for it we'll see some more of this stuff, we always present the worst-case scenarios when we're trying to pass something, and regardless, it is wrong.

**** MR. MCCARTHY MOVED TO AUTHORIZE THE PURCHASING AGENT, GERALD J. FOLEY TO ISSUE A PURCHASE ORDER TO NORTHEASTERN COMMUNICATIONS, INC. FOR THE SUPPLY AND INSTALLATION HIGH-BAND RADIO SYSTEM FOR AN AMOUNT NOT TO EXCEED \$132,594.00. ACCOUNT 09154031-5777-C0313.**

**** MOTION PASSED WITH NINE VOTES IN FAVOR (BONENFANT, IANNACONE,IGNERI, KIMMEL, KYDES, MAGGIO, MCARTHY, O'TOOLE -GIANDURCO, PETRINI) FIVE OPPOSED (BOWMAN, HEMPSTEAD, MELENDEZ, SIMMS, WATTS) AND NO ABSTENTIONS.**

HEALTH, WELFARE & PUBLIC SAFETY

2A) Authorize the Purchasing Agent, Gerald Foley to issue purchase orders to Force 8 Marine LLC for purchase and installation of Sponsons inflatable tubes per response to RFP project #3459 for an amount not to exceed \$15,600 from account #35309H 5738.

2B) Authorize the Purchasing Agent, Gerald Foley to issue a purchase order to The Bait Shop Inc. for two (2')Evenrude marine engines and labor per response to RFP project #3458 for an amount not to exceed \$33,000 from account #35309H-5738 and #013023-5333.

Ms. Maggio moved the item for discussion and explained that it was a Homeland Security recommended purchase. Ms. Bowman asked for someone from the Police Department to address her questions, and Deputy Chief Wrinn came forward. He explained that this was redirected funds remaining from a grant and the purchase was requested in line with marine security guidelines.

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HEALTH, WELFARE & PUBLIC SAFETY--continued

- ** MS. MAGGIO MOVED TO AUTHORIZE THE PURCHASING AGENT, GERALD FOLEY TO ISSUE PURCHASE ORDERS TO FORCE 8 MARINE LLC FOR PURCHASE AND INSTALLATION OF SPONSONS INFLATABLE TUBES PER RESPONSE TO RFP PROJECT #3459 FOR AN AMOUNT NOT TO EXCEED \$L5,600 FROM ACCOUNT #35309H 5738. AND TO AUTHORIZE THE PURCHASING AGENT, GERALD FOLEY TO ISSUE A PURCHASE ORDER TO THE BAIT SHOP INC. FOR TWO (2'EVENRUDE MARINE ENGINES AND LABOR PER RESPONSE TO RFP PROJECT #3458 FOR AN AMOUNT NOT TO EXCEED \$33,000 FROM ACCOUNT #35309H-5738 AND #013023-5333.**
- ** MOTION PASSED UNANIMOUSLY.**

Other Council Business

Ms. Maggio spoke about a program for children's camp and wanted the Council members to know that they were looking for sponsors. Mayor Rilling suggested that she send an a-mail blast to his office to be forwarded to the Council members.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE – none

X. SUSPENSION OF RULES - none

Mayor Rilling thanked the Council members for a very robust meeting.

XI. ADJOURNMENT

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

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

Respectfully submitted,

Marilyn Knox;
Telesco Secretarial Services

ATTEST

Donna King, City Clerk

Supplemental Pages 13-20:
Pubic Comment Statements:
Mr. Richard Kastenbaum, Mr. Mark Simon - Letter to Zoning Commission

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**JULY 22, 2014
REGULAR MEETING MINUTES**

Good evening Members of the Common Council and members of the public.

My name is Richard Kestenbaum and I reside with my wife Mary at 29 William Street.

I'm here for 2 reasons:

First, put into the public record my letter of July 16, 2014 to Joseph Santo, Chair of the Norwalk Zoning Commission, in opposition to the proposal to install field lights at NHMS. A copy of that letter was delivered to the members of the Zoning Commission, the members of the Common Council, as well as the Mayor, prior to the Zoning Commission hearing at which the field lighting proposal was accepted as proposed with only a few limiting conditions, namely lights off by 9:30, no amplified sound system, no marching band and no commercial users. To say that there remains enormous potential for abuse and neighborhood disruption is a gross understatement.

I believe residents of Norwalk and city officials should be aware that allowing athletic field lighting at NHMS, or on any other athletic field facilities as that undefined and extremely broad term is used in the City Code, is completely at odds with numerous provisions of the 2008 Plan of Conservation and Development, Norwalk's guiding planning and zoning document, especially the goals of protecting neighborhoods, protecting property values, and preserving open spaces. Obviously, the Zoning Commission did not agree with my analysis, if it was even considered.

Put simply, everyone living in a residential zone from AAA on down is vulnerable to a future municipal decision to install field lights on any property maintained by the City or the Board of Ed due to the February 2011 text amendment cited in my letter. I didn't know about this law when I purchased my home last September, and it's my belief that the vast majority of Norwalk residents do not know about it either. In the interests of openness, people should understand that no one in this City, including future residents, has a legitimate expectation to reside in the neighborhood they see and think they understand if a demand for additional field lighting becomes an issue.

My second reason involves the sincere hope that the wisdom and experience of this Common Council results in a genuine belief that the current state of affairs at NHMS is not worthy of the City of Norwalk, and that additional limitations and serious oversight is warranted. The installation of field lights brings with it the introduction of many people into our now quiet residential neighborhood who simply would not otherwise be there. That's a fact. Additionally, these users and spectators can be of any age and from any town, as long as not "commercial" and as long as there is some link to a Norwalk High School event of a "not for profit" program. That's way too large a user group as a Tuesday evening men's lacrosse league game is way different than a Friday night Norwalk High School baseball game.

As a result, I'm putting this Council on notice of our real and reasonable concerns about safety to our persons and property, increased traffic, especially on Williams Street which has its own safety/speed concerns already, increased parking, especially on Dairy Farm Road, disrupting noise from the fields and surrounding areas, additional garbage and the impact to our after work and evening routines, especially since we have now become, without volunteering, the first line of oversight.

These are not idle considerations as sports brings with it a level of participation and competitiveness that often results in heated emotion and post-game lingering to share in the excitements and disappointments. Keep in mind that requiring lights to be off by a certain time does not have anything to do with when users and spectators vacate the fields or the neighborhood. This is certainly an issue of

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legitimate concern that can and should be regulated, as is a mandate that all field access, whether drop off or pick up, is done via the NHMS parking lot and not William Street unless a legitimate handicap parking user, not to mention how and when different user groups are permitted night access.

Obviously there are other reasonable limitations that demand attention, especially considering the dramatic change of these fields from existing open-park like space to a state of the arts outdoor sports complex which will undoubtedly increase user demand during daytime, not just at night. The Recreation and Parks Committee of the CC, in conjunction with the Recreation and Parks Department and interested neighbors, must work together to develop policies and procedures that require users to be responsible for compliance and good neighborly behavior so that clear expectations for proper usage are developed, communicated, implemented and supervised to minimize the disruption that this project will exact from our neighborhood. Remember, field use is a privilege, not a right, so rules and regulations governing use are entirely appropriate.

In closing, this CC has an opportunity to send a very clear message to the residents of Norwalk and the wider community about what it considers important. The Zoning Commission has already sent a clear message that youth sports are valued at the expense of our residential neighborhoods, and that the Plan of Conservation and Development is a feel good document which only has meaning when in sync with a Zoning Commission objective. You do not have to agree. In fact, you have the power, authority and responsibility to alter the Zoning Commission's message for the greater good and I urge you to embrace this challenge.

Thank you for your time and consideration.

Norwalk Zoning Commission
Special Permit #5-14SP

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Copy of abbreviated written comments made to Norwalk Zoning Commission on July 15, 2014 and
Submitted to the Norwalk Common Council on July 22, 2014

July 15, 2014

Norwalk Zoning Commission
City of Norwalk
PO Box 5125
125 East Avenue
Norwalk, CT 06856

Re: Request for Special Permit #5-14SP for Nathan Hale Middle School
Athletic Field lighting

Dear members of the Commission:

My name is Mark Simon. I am writing in opposition to the special permit for athletic field lighting at Nathan Hale Middle School and, even though not part of this public hearing, the installation of an artificial turf field and a creation of a sport complex. I understand this special permit only concerns the installation of lights at the field. However, the Commission should consider other factors that will affect the well being of the neighborhood and quality of life for its residents. The project is just waiting to explode into a massive sports complex. The lights are merely the detonators.

I reside on Lyncrest Drive, a cul-de-sac that abuts the Nathan Hale School property, and have for fifty-five years. There is direct sight line from my home to the school property. I grew up in the neighborhood and spent countless hours playing with friends in the area on the fields. My thoughts and comments may be construed to be along the lines of "not in my backyard", and certainly they are, but I also make them in the context of "not in anybody's back yard". For if this special permit is granted and the entire athletic field project goes forward which school field is next? Which unsuspecting neighborhood will be dealing with this in a few years?

I respect the proponents concerns about having enough available fields, transportation issues, ability to attend day games or practices due to conflicts with work. But what about my ability to come home from a hard day at work and enjoy some time outside in the yard, relaxing with the newspaper or book on a deck or near an open window, having a cookout or dinner with family or friends, or taking a nap without the constant noise from a nearby field, or being able to look up at the stars in the sky or a passing meteor shower unobstructed by the glow from nearby spotlights. Many of those who favor the project and are the driving forces behind the overall project and those who will use the complex do not live in the area. What direct or indirect benefit will they accrue? They will use the field for a few months or years and move on. The neighbors will have to deal with it forever. The alternative is to sell their home.

My comments are grouped into several categories and I hope you will take the time to read them.

The Neighborhood

The neighborhood is a residential area nestled in the v-shaped area nestled between Strawberry Hill Avenue and the Connecticut Turnpike. The homes date back to the fifties and earlier as the construction of the highway bisected much of the farmland in existence at the time. The school property is situated between Strawberry Hill Avenue and William Street and is the highest point in the area. The school was constructed after most of the homes in the area were built.

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Use of the Athletic Fields

Naturally the fields are used by the students of Nathan Hale for school related activities. The fields are also used by other sports activities. This has always been the case as far back as I can remember. I can recall watching the old Pony League games or Ramblers football. The field was also the home for the circus for a few days during its annual visit to Norwalk back in the sixties. The fields were also a haven for the neighborhood children to have a place to throw a baseball, play touch football, kick a soccer ball, fly a kite, hit a golf ball, play tennis, ride bikes, sleigh ride, ski or just playing and being children. Dozens of families could be found after a good snowfall sledding on the hill. It was like a neighborhood park. All of this activity occurred without lights or artificial turf.

What will happen to the fields if lights and turf are installed? For one, the availability of the fields, now open to all, will be restricted. This happened at Norwalk High School and has already happened at Nathan Hale. The lower field was fenced in a few years ago and is now available for use by permit only. There went that half of the field. There went the sledding. The same thing will happen to the upper field. Once the lights and then the field turf are installed the field will be fenced in and its use by the neighborhood children prohibited. The whole area will be off limits. There goes the neighborhood park. Isn't the city trying to encourage parks and open space for public use? Will the tennis courts be next?

Who will have use of the fields if the lights and turf are installed and who should be allowed to use them? Should neighborhood school fields be used by other schools and should that use be limited to those grades or younger? School facilities usually get bigger as the grade level increases. What about other school activities such as marching band or intramural clubs. Will they also find their way to the field? I know the Norwalk High Athletic Department has its eyes on the field because they have circulated an email encouraging people to attend the hearing to support the plan. Who will the Parks and Recreation Department allow to use the field? Will it be opened up to recreation leagues or other non school related activities? How many participants in those leagues are from out of town? Should this or any residential neighborhood in Norwalk have to put up with the lights, noise, traffic, parking and post game activities, (alcohol for one), so out of towners can play? What about travel teams, non profit or otherwise? They too can have participants from anywhere in Norwalk or beyond? They play teams from Norwalk and beyond. These teams also cater to different age groups, are competitive, practice up to five days a week and cost quite a bit to play. Will adult age groups be allowed to use the field? Even if adult age groups won't use the field the use of the field for the younger age groups opens space elsewhere for use by adult age programs. What other organizations might be given permits to use the fields? In my opinion, with the size and scope of some of these organizations they are no different than a commercial operation and are using their nonprofit status or the umbrella of the Parks and Recreation Department to gain access to the field on which they would otherwise be prohibited. I know that these groups have their eye on the field because several of them have circulated emails encouraging attendance at the hearing to speak in favor of the project. Again should this or any other residential neighborhood in Norwalk have to put up with the lights, noise, traffic, etc. for the benefit of these organizations? If these organizations need more playing fields let them find them in more commercialized areas or use private facilities already in existence, like the SONO

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Zoning

The school itself is located in a B zone as are many of the properties immediately abutting the school property. The rest of the area including the area across William Street from the school is an A zone

Athletic Fields

The athletic field consists of an upper and lower field separated from each other by a steep hill and border William Street and a separate smaller field bordering Strawberry Hill with two tennis courts.

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Field House. If current space is not sufficient then maybe the City can entice some business to come to Norwalk and develop more field space. There is plenty of space available. If the need is there someone will fill it. We all know the City is always trying to attract new businesses to come to Norwalk. Or is it an issue of money and the cost of renting space for these businesses. If so, should the taxpayers of Norwalk be subsidizing these businesses with free or bargain priced fields?

Is the field large enough to accommodate all the potential uses? When baseball was played there baseballs occasionally went into neighboring yards. Those were the days of wooden bats. What will happen today with bigger, stronger and older players in this era of souped up metal bats. How high a fence will have to be constructed to keep the ball out of the neighboring properties?

Lights

We have all heard the assurances from the lighting experts about how today's lights can be designed and placed so as to not shine directly onto or into neighboring homes. A concern voiced by many in the past. Has the effect of the lower surrounding terrain been considered? The terrain is not like that surrounding Norwalk High. Most of the surrounding residences are below the level of the fields. Adding the 70 or 80 foot high light poles to the elevation change between the fields and the surrounding area some residences will be almost 120 feet below the lights. This is about the height of the building at 50 Washington Street in South Norwalk. What about ambient light? How will that be addressed? The glow from the lights will illuminate the area. It will be pointed out that the placement of the lights will be such that the surrounding streets will not be affected and the light will be much less than that of a streetlight. Well Lyncrest Drive has two streetlights not eighty. Besides, the light from the streetlights is for safety not for athletic events. If I look in that direction my eyesight does not stop at the property line. Drive down Strawberry Hill when the lights are on at Norwalk High and see the brightness of the glow from a quarter of half mile away. It may not be bright where you are standing but the lights are sure noticeable. It is even worse on cloudy or foggy evenings. I expect the Nathan Hale lights will be visible from Norwalk Hospital and Long Island Sound. It is straight down hill in both directions, west to the Norwalk River and south to Long Island Sound. I can see Norwalk Hospital from my bedroom window. I can recall playing with friends who lived at 17 William Street, which is no more than 200 feet from Nathan Hale and being able to see Long Island Sound from their windows. The lights on top of 80 foot poles will be at least 50 feet higher than these windows. Although at that distance they will not be intrusive but the lights and glow will be visible for miles. The lights will be seen by more than just the neighborhood.

Field Turf

Two comments about the installation of artificial turf for it is certain that if the lights are installed the turf is next. First, since the field is higher than all the surrounding area what effect will the turf have on water run-off? Second, in order to protect the City's investment in the turf, use of the field will be restricted thus making the entire property unavailable to the neighborhood children and families.

Noise

The noise from Nathan Hale is that which can be expected during the course of a school day and typically subsides by mid to late afternoon. Even the weekend use usually is over by early afternoon. That will all change with the installation of the lights. Evenings will become filled with the yelling, screaming, and cheering of coaches, players and spectators, the sound of contact between a ball and bat or stick or racket or foot. Loudspeakers are going to be installed and even though their use restricted will overwhelm the neighborhood. When will the marching bands start to use the field for practice? Norwalk has a noise ordinance acknowledging that people have a right to be ensured an environment free from excessive sound that may degrade their quality of life. This regulation (and I copy right from the City's website) "...was

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enacted to protect, preserve, and promote the health, safety, welfare, and quality of life for the citizens of Norwalk through the reduction, control and prevention of noise". Noise is generally restricted after 8:00PM. I know there are exemptions for recreational activities and special rules for athletic field facilities and the applicant proposes a 9:30 curfew. But noise is noise. What is the difference between a backhoe, yelling from an athletic field or someone's loud music which is not to your liking? It won't be 9:30 once in a while it will be 9:30 all week long and all year long. The noise will continue after the lights are turned off as participants pack up to leave. Some people retire early in order to get up for work, go to the gym or take an early morning run. 9:30 may be late for them. Besides what student of any age should be out after 9:30 on a school night.

Traffic/Parking

Traffic and parking is becoming a critical issue in Norwalk. Although Nathan Hale has what appears to be ample parking in two lots off of Strawberry Hill, these lots are quite a distance from the fields particularly the power field. I anticipate that instead of using these lots, William Street and the neighboring streets will be used instead as they are closer to the fields, allow for faster access and egress or accommodate overflow parking. Due to the hill there is little opportunity to increase the size of the current parking areas. Creating the six spaces (three handicapped) off William Street will only exacerbate the problems. Not only will that increase traffic on what is a narrow road and a bit of a speedway it will invite parking on the grass or streets if the spaces are taken. People are going to park where it is closest or most convenient for them. Just look at the parking situation at the playground near Maplewood at the old Fitch School property or Ponus Middle School during practices or games or any shopping mall. Putting no parking signs on the streets may solve the problem but then the residents lose the ability to park in front of their homes. Of course any parking rules are only as good as the enforcement of them. I fear even if the police department had the resources or desire to strictly enforce any parking restrictions with tickets or towing the volume of complaints will be so great that they will soon start looking the other way.

I ask the Commission to think carefully about this application and the precedent that granting the special permit will set. The applicant has a multitude of studies, reports, maps and the like to show compliance with all the quantitative requirements and their presentation will focus on all these statistics. What you won't see in this mountain of paper or hear from oral arguments is anything about the quality of life issues for the citizens living in the area. You won't because there is no way to support the position that the project will not severely and negatively impact those citizens quality of life.

I urge the Commission to use its authority to deny this special permit. Surrounding towns have turned down middle school lighting proposals similar to this and so should Norwalk.

Respectfully,

Mark Simon
Norwalk, CT