

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

I. ROLL CALL

II. ACCEPTANCE OF MINUTES

Regular Meeting: June 27, 2017

III. PUBLIC PARTICIPATION

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

APPOINTMENTS:

Brian Baxendale, Planning Commission
Tamsen C. Langalis, Planning Commission
Jennifer Bangser, Arts Commission
T.C. Burt, Arts Commission
Becki Christopherson, Arts Commission
Janet G. Evelyn, Arts Commission
Nori Grudin, Arts Commission
Lynn Massey, Arts Commission
Helen Roman, Arts Commission
Danielle Vinci, Arts Commission
Susan Wallerstein, Arts Commission

REAPPOINTMENTS:

Steven Ferguson, Planning Commission
Nathan Sumpter, Zoning Commission
Galen W. Wells, Zoning Commission

MAYOR'S REMARKS:

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

B. CONSENT CALENDAR

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

1. Approve Authorization to Settle Claim: Jeffrey Haynes v. Mark Paus and the City of Norwalk.
EXECUTIVE SESSION
- 2a. Discussion of possible action concerning receipt of funds and authorization for Mayor to execute general release/settlement agreement.
EXECUTIVE SESSION
- 2b. Discussion of possible future lawsuit against Hanover Insurance Company.
EXECUTIVE SESSION

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. Resolution approving a special capital appropriation in the amount of \$460,000.00 to fund the option to purchase agreement for 11 Belden Avenue property and authorizing the issuance of \$460,000.00 general obligation bonds of the city to meet said appropriation.
2. Approve resolution with respect to the authorization, issuance, and sale up to \$30,000,000.00 City of Norwalk General Obligation Refunding bonds.

B. ORDINANCE COMMITTEE

1. Approve authorization to hire acoustical expert, Eric Zwerling of the Noise Consultancy, LLC, to assist the City of Norwalk in revising Chapter 68 of the Norwalk City Code (Noise Ordinance) pending Finance Department approval. See the attached materials concerning Eric Zwerling of the Noise Consultancy, LLC.

C. HEALTH, WELFARE, PUBLIC SAFETY COMMITTEE

1. Approve the Health department fee schedule as set by the Director of Health with the concurrence of the Board of Health at their June 28, 2017 meeting.

D. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Harry W. Rilling, to execute any and all documents with 587 CT Ave., LLC for the proposed acquisition of property located at 11 Belden Avenue relating to the Belden Library development project. Terms of the acquisition shall be as outlined in Attorney Mario Coppola, Corporation Counsel's memo dated June 1, 2017

2a. Rescind Common Council Action of May 9, 2017 Item VII, B, 4a and 4b which authorized the following:

"4a. Authorize the Mayor, Harry W. Rilling, to execute a contract with Domus Constructors LLC, for roof repairs on the Lockwood Mathews Mansion Museum for a total not to exceed \$167,400.00. Account No: 0917/18 6310 5777 C0092

4b. Authorize the Historical Commission to execute change orders on Contract for a total not to exceed \$30,000.00"

2b. New Action:

Authorize the Mayor, Harry W. Rilling, to execute an agreement with G.L. Capasso, Inc. for Roof Repairs- Lockwood Mathews Mansion Museum – Phase IV for a total not to exceed \$123,500.00. Account No: 0917/18 6310 5777 C0092.

Authorize the Historical Commission to issue change orders on Contract for a total not to exceed \$12,350.00.

3a. Authorize the Mayor, Harry W. Rilling, to execute a contract with HAZ-PROS, INC., for the Cranbury Elementary School Asbestos Floor Tiles Removal Project for a total not to exceed \$73,600.00. Funding for this project is available from account #09175010 5777 C0595.

3b. Authorize BOE Facilities Dept. to issue Change Orders on Contract for a total not to exceed \$7,360.00.

4a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with R&R Mechanical Services, LLC for Norwalk Museum fan coil replacement project for a total not to exceed \$29,000.00. Account #09144071 5777 C0325.

4b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$2,900.00.

E. PUBLIC WORKS COMMITTEE

1a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Deering Construction, Inc. for State Project 102-355 Safe Routes To School Roton Middle School Project, for a sum not to exceed \$811,392.50.

Account No: 09-18-4021-5777-C0441
09-13-4031-5777-C0514

1b. Authorize the Director of Public Works, Bruce J. Chimento, to execute Orders on Contract with Deering Construction, Inc. for State Project 102-355 Safe Routes To School Roton Middle School Project, for a sum not to exceed \$81,139.00.

Account No: 09-18-4021-5777-C0441
09-13-4031-5777-C0514

F. PLANNING COMMITTEE

1. Authorize the Mayor to execute any and all documents associated with the submission of the PY43 AAP to HUD and all documents consistent with the approved 2015-2019 Consolidated Plan and PY43 Annual Action Plan.
- 2a. Approve advancing to the Common Council Planning and Zoning's request to have the City of Norwalk participate in FEMA's Community Rating System
- 2b. Approve advancing to the Common Council Authorization for Mayor Rilling to sign related documents

VIII. RESOLUTIONS FROM COMMON COUNCIL

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

X. SUSPENSION OF RULES

XI. ADJOURNMENT

APPOINTMENTS

PLANNING COMMISSION	M/C	Nwlk. Code 79
BRIAN M. BAXENDALE (U) 8 Seaside Place Norwalk, CT 06855		Term Expires – 07/01/2021
TAMSEN C. LANHALIS (R) 11 Indian Spring Road Norwalk, CT 06853		Term Expires – 07/01/2021
ARTS COMMISSION	M/C	Nwlk. Code 17A
JENNIFER BANGSER (D) 515 West Avenue Norwalk, CT 06850		Term Expires – 07/11/2020
T.C. BURTT (U) 44 Fairfield Avenue Norwalk, CT 06854		Term Expires – 07/11/2018
BECKI CHRISTOPHERSON (D) 3 Delaware Avenue Norwalk, CT 06851		Term Expires – 07/11/2019
JANET G. EVELYN (D) 20 Elmwood Avenue Norwalk, CT 06854		Term Expires – 07/11/2020
NORI GRUDIN (U) 10 Grand Street Norwalk, CT 06851		Term Expires – 07/11/2020
LYNN MASSEY (D) 36 Meeker Court Norwalk, CT 06853		Term Expires – 07/11/2018
HELEN ROMAN (D) 314 Sunrise Lane Norwalk, CT 06851		Term Expires – 07/11/2019

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**AGENDA
7:30 PM EST**

**JULY 11, 2017
COUNCIL CHAMBERS**

DANIELLE VINCI (R)
162 Newtown Avenue
Norwalk, CT 06851

Term Expires – 07/11/2018

SUSAN WALLERSTEIN (D)
223 Wolfpit Avenue
Norwalk, CT 06851

Term Expires – 07/11/2019

REAPPOINTMENTS

PLANNING COMMISSION

M/C

Nwlk. Code 79

STEVEN FERGUSON (U)
18 Adamson Avenue
Norwalk, CT 06854

Term Expires – 07/01/2021

ZONING COMMISSION

M/C

Norw. Code 79

NATHAN SUMPTER (D)
45 Baxter Drive
Norwalk, CT 06854

Term Expires – 07/01/2020

GALEN W. WELLS (D)
224 West Norwalk Road
Norwalk, CT 06850

Term Expires – 07/01/2020

**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**

Mr. Igneri called the meeting to order at 7:49 p.m. and led the Assembly in reciting the Pledge of Allegiance.

Ms. King, City Clerk read the notice stating that the meeting was being videotaped and audio recorded for the public broadcast and that assisted listening devices were available.

I. ROLL CALL

Ms. King called the Roll. The following Common Council members were present:

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

At Roll Call, there were thirteen (13) Common Council members present and two (2) absent (Ms. Maggio and Mr. DePalma).

Also present were Corporation Counsel, Mario Coppola and City Clerk, Donna King.

II. ACCEPTANCE OF MINUTES

Regular Meeting: June 13, 2017

**** MR. IGNERI MOVED TO ACCEPT THE MINUTES AS PRESENTED
** MOTION PASSED WITH TWO (2) ABSTENTIONS (MS. BOWMAN AND**

MR. SIMMS)

III. PUBLIC PARTICIPATION

No members of the public wished to speak this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS RESIGNATIONS:

APPOINTMENTS:

REAPPOINTMENTS:

Jane Walters, Oak Hills Park Authority

**** MR. IGNERI MOVED TO APPROVE THE REAPPOINTMENT OF JANE WALTERS TO THE OAK HILLS PARK AUTHORITY**

Mr. Ignéri said Ms. Walters has served for some time and does a good job.

**** MOTION PASSED UNANIMOUSLY**

Patricia A. Williams, Oak Hills Park Authority

**** MR. BONENFANT MOVED TO APPROVE THE REAPPOINTMENT OF PATRICIA A. WILLIAMS TO THE OAK HILLS PARK AUTHORITY**

Ms. O'Toole Giandurco thanked Ms. Williams for her willingness to serve.

Mayor Rilling thanked Ms. Walters and Ms. Williams for their willingness to serve.

**** MOTION PASSED UNANIMOUSLY**

Ms. King administered the Oath of Office to Ms. Walters and Ms. Williams.

MAYOR'S REMARKS:

Mayor Rilling announced they were successful in bringing together the Norwalk Federation of Teachers and the Board of Education and negotiated a deal that was in the best interest on the children.

Mayor Rilling announced upcoming events, including a farewell reception for Dr. Tracy and Mr. Tim Callahan on June 28th. He thanked both for their service to the community.

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Norwalk will be hosting the 10 and under Babe Ruth Tournament on June 30th.

Fireworks will take place on July 3rd at Calf Pasture Beach and July 4th at Bailey Beach.

Mayor Rilling recognized Mr. Walter McLaughlin for his 25 years as a member of the Planning Commission. On behalf of the City of Norwalk, he presented Mr. McLaughlin with a certificate of appreciation.

Mr. Hempstead thanked Mr. McLaughlin for his friendship and said he is the last standing Independent. He really knows Norwalk and it would be hard to find someone as committed as Mr. McLaughlin.

COUNCIL PRESIDENT

A, GENERAL COUNCIL BUSINESS: RESIGNATIONS AND APPOINTMENTS
RESIGNATIONS:

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening.

B. CONSENT CALENDAR

**** MR. KIMMEL MOVED THE FOLLOWING CONSENT CALENDAR:**

CORPORATION COUNSEL

6A1

RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

7A1

7A2

PLANNING COMMITTEE

7B1A

7B1B

7B2A

7B2B

HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

7D1

7D2

7D3

7D4

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7D5A
7D5B

REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A, CORPORATION COUNSEL

1. **AUTHORIZE THE MAYOR, HARRY W. RILLING, ACTING ON BEHALF OF THE CITY TO EXECUTE AN AGREEMENT IN THE CASE OF CODY GREENE V. CITY OF NORWALK, EL AL, DOCKET NO. CIVIL NO. 3:14-CV-01016 (VLB), PENDING IN THE UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT. EXECUTIVE SESSION**

COMMON COUNCIL COMMITTEES

RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

1. **AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO AN AGREEMENT WITH LOCKWOOD-MATTHEWS MANSION MUSEUM TO USE THE GROUNDS OF MATHEWS PARK FOR THEIR ANNUAL OLD-FASHIONED FLEA MARKET TO BE HELD SUNDAY, SEPTEMBER 17, 2017 FROM 10:00 AM - 5:00 PM. SET UP TO TAKE PLACE AT 7 DO AM ON SUNDAY, SEPTEMBER 17, 2017 WITH TEAR DOWN NO LATER THAN 8:00 PM ON SUNDAY, SEPTEMBER 17, 2017. ESTIMATED ATTENDANCE 3,000.**
2. **APPROVE RACE COASTAL ENGINEERING ("RACE") FOR DESIGN AND PROFESSIONAL SERVICES RELATED TO THE REPLACEMENT OF THE FLOATING DOCKS LOCATED AT VETERANS MEMORIAL PARK FOR THE AMOUNT NOT TO EXCEED \$38,000.00. ACCOUNT TBD VETERANS PARK PROJECT.**

PLANNING COMMITTEE

- 1A. **APPROVE THE CONTRACT FOR THE PLAN OF CONSERVATION AND DEVELOPMENT TO STANIEC IN THE AMOUNT OF \$195,000.00 1B. AUTHORIZE THE MAYOR TO SIGN THE STANIEC CONTRACT AGREEMENT.**
- 2A. **AUTHORIZE THE SUBMISSION OF A SMART GROWTH/TOD GRANT APPLICATION TO THE STATE OFFICE OF POLICY AND MANAGEMENT REQUESTING THE AMOUNT OF \$225,000.00.**

2B. AUTHORIZE THE MAYOR TO SIGN GRANT SUBMISSION.

HEALTH, WELFARE, PUBLIC SAFETY COMMITTEE

- 1. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER FOR 4 THERMAL IMAGING CAMERAS TO HI-TECH FIRE AND SAFETY, INC. 158 ALLEN BOULEVARD-SUITE A FARMINGDALE, NY 11735, FOR AN AMOUNT NOT TO EXCEED \$47,980.00. \$43,613.00 TO BE PAID FOR BY FEMA THROUGH AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG), AND \$4,361.00 TO BE PAID FROM OPERATING ACCOUNT #0131205262 FY 17.**
 - 2. AUTHORIZE THE MAYOR, HARRY W RILLING, TO EXECUTE AN AGENCY AGREEMENT TO PERMIT THE NORWALK HOSPITAL TO BE INCLUDED IN THE ICE (LNTERTOWN CAPITAL EQUIPMENT) AGREEMENT AS AN AUTHORIZED AGENCY UNDER THE CITY OF NORWALK. THE CITY OF NORWALK WOULD THEN BE RESPONSIBLE FOR NORWALK HOSPITAL EMS' USE OF THE EQUIPMENT SO WE WILL ALSO NEED TO HAVE AUTHORITY TO ENTER INTO A SEPARATE AGENCY AGREEMENT WITH NORWALK HOSPITAL WHEREBY THE HOSPITAL SHOULD PROVIDE US WITH INSURANCE COVERAGE, WILL BE RESPONSIBLE TO US FOR ITS ACTIONS AND OMISSIONS IN CONNECTION WITH THE USE OF THE EQUIPMENT AND WILL INDEMNIFY AND RELEASE US AGAINST ALL THIRD PARTY CLAIMS AND ITS OWN CLAIMS ARISING OUT OF ITS USE OF THE EQUIPMENT.**
 - 3. AUTHORIZE THE MAYOR, HARRY W. RILLING, LO EXECUTE A SUB-GRANT AGREEMENT BETWEEN THE CITY OF NORWALK AND STEPPING STONES MUSEUM FOR CHILDREN, INC. TO ALLOCATE CHILD DAYCARE CONTRACT FUNDS NOT TO EXCEED \$52,902.40 FOR THE PURPOSE OF RUNNING A SUMMER CAMP FOR CHILDREN.**
 - 4. AUTHORIZE THE MAYOR, HARRY W RILLING, TO EXECUTE A SUB-GRANT AGREEMENT BETWEEN THE CITY OF NORWALK AND ODYSSEY LEARNING INC. TO ALLOCATE CHILD DAYCARE CONTRACT FUNDS NOT TO EXCEED \$46,289.60 FOR THE PURPOSE OF RUNNING A SUMMER CAMP FOR CHILDREN.**
- 5A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS IN THE AMOUNT OF \$638,245.00 FROM THE SLATE OF CONNECTICUT FOR THE SEXUALLY TRANSMITTED DISEASES**

**AND TUBERCULOSIS CONTROL PROGRAMS FOR THE PERIOD
JULY 1, 2017 TO JUNE 30, 2022.**

**5B. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY
AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS OR
AMENDMENTS AS MAY BE NECESSARY TO IMPLEMENT THE
SEXUALLY TRANSMITTED DISEASES AND TUBERCULOSIS
CONTROL PROGRAMS FOR THE PERIOD JULY 1, 2017, TO JUNE 30,
2022.**

**** MOTION PASSED UNANIMOUSLY**

C. PUBLIC WORKS COMMITTEE

**** MR.IGNERI MOVED THE FOLLOWING ITEMS**

**1A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN
AGREEMENT WITH THE GRASSO COMPANIES, LLC. FOR PROJECT
NO. RD 2017-2 CONCRETE CURBS AND SIDEWALKS AT VARIOUS
LOCATIONS, FOR A SUM NOT TO EXCEED \$826,618.00; SUBJECT TO
THE SAME TERMS AND CONDITIONS AS AWARD CONTRACT
PM2017-1.**

ACCOUNT NO: 0918 4021 5777 C0318

**1B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS, BRUCE
CHIMENTO, TO EXECUTE ORDERS ON CONTRACT WITH THE
GRASSO COMPANIES, LLC. FOR PROJECT NO. RD 2017-2
CONCRETE CURBS AND SIDEWALKS AT VARIOUS LOCATIONS, FOR
A SUM NOT TO EXCEED \$166,763.00. THIS VALUE CONSISTS OF 10%
THE CONTRACT VALUE, PLUS AN \$84,101.00 ESTIMATED COST FOR
SIDEWALK AND CURB REPLACEMENT WORK TO BE PERFORMED
FOR REDEVELOPMENT AGENCY AT SIDE BY SIDE SCHOOL AT THE
INTERSECTION OF CHESTNUT ST AND HENRY ST TO BE FUNDED
BY AN URBAN CORRIDOR ACCOUNT.**

**ACCOUNT NO: 09 18 4021 5777 C0318
09 18 0910 5777 C0287**

Mr. Igneri explained that he and Mr. Livingston met with Mr. Joe Grasso and a representative from the Village Creek Homeowners Association and feel they communicated on very good terms. Mr. Grasso promised to move the trucks before they

start in the morning. In addition, the residents at Village Creek have his phone number.

Mr. Simms urged his colleagues to not approve the contract as the company has an outstanding obligation to the City. They have not paid their taxes to the City since 2007 and seems to keep reorganizes the companies. It would be prudent to not move forward with this.

Mr. Livingston said he would vote in favor of this. They are different entities and that has been established. Also it has been established that he is not in violation of any laws. Mr. Livingston said he, Mr. Grasso and Mr. Igneri met with a representative of Village Creek and Mr. Grasso provided his contact information to the representative.

Mr. Livingston spoke about the letter Mr. Grasso's attorney sent that was viewed as stifling a legitimate concern. He said Mr. Grasso apologized for sending that letter and will take him at his word.

Mr. Hempstead said he will not support the contract. He said the telling part is having to put a special condition on a contract. He said he is not buying that.

Mr. Bonenfant said he believes Mr. Grasso's attempt to be a better neighbor, but while there may be special conditions, they are going into July now, so he said he feels they are meaningless. There were still outstanding issues in the last letter from Zoning.

Ms. Bowman said they asked the Common Council to disassociate the two businesses, but their promises seem related to the property. She said it does not appear to be separated with the others. They promised to control that site and that shows they did not disassociate themselves from the property owners.

Ms. Bowman said no constituent contacted her to let her know the property was cleaned; however, she got a complaint about a month ago, and nothing was done.

Ms. O'Toole Giandurco said she will not support this. She said she wants to see in a year how they are doing.

Mr. Kimmel said this is a very difficult situation. The structure of the companies has been examined repeatedly. He said he does not want to act recklessly because that could cost the City millions. Mr. Kimmel said he will support this. He said he understands how difficult this is, but has to do what is in the best interest of the City.

Mr. Igneri said this is a very difficult situation. It is the right decision to approve this contract.

Mr. Kydes said at this point, he knows the process and the legalities. If the contract is not approved, sidewalks and roads will not be paved and he said he could not live with that. He said all eyes will be on Mr. Grasso.

Mr. Livingston said Mr. Grasso will not be policing the entire property. He said there are no violations against Mr. Grasso; there are violations against Mr. Grasso senior.

Mr. Simms said that folks in his district have sidewalks that have not been fixed in 30-35 years. He said he is in support of repairing the sidewalks, but with the lowest bidder; not one that is out of compliance. He said even though they reorganized, he asked when will this end. If they came into compliance, then everyone will be comfortable with awarding the contract. Mr. Simms said this is showing favoritism. If they are holding all of the companies to a certain standard, that has to include Grasso.

Mr. Serasis said all eyes are on them to be sure they are on the up and up. Thirty days is not long enough. He said everyone wants sidewalks and roads fixed. The problem is with the contract being awarded to someone who is questionable. That letter written by an attorney to stifle the neighbors was done with thought. Mr. Serasis said he has to vote no. They need more than 30 days.

Ms. Bowman said if trucks start early, it is because they have to get to a City project. She said the Village Creek residents are settlers. She said the story is that there were Jewish residents and African American residents who wanted to purchase land, but were discriminated against. They had a Caucasian purchase the property and then sell the property to them.

Ms. Bowman said there is discrimination against the residents of Meadow Street, Wilson Avenue and Village Creek. She said this would not happen in Rowayton or Silvermine. Ms. Bowman said she will vote no, but no is not forever. If they clean up then can do business with the City.

Mr. Kydes said he spoke with legal counsel and the legal process would be a lawsuit followed by an injunction and work on sidewalks and roads would not be done.

Mr. Igneri said Mr. Grasso is within his rights to start at 6:30 – 7:00 a.m., but they are not permitted to load trucks. He said they are a separate entity legally and should not be discriminated against.

Mr. Livingston asked Mr. Chimento to explain the implication of not approving this contract. Mr. Chimento said they would have to bring the next bidder back to Public works in August and then move that to the full Common Council. This cuts the timeframe down and not all of the work will get done.

Mr. Simms said the Chair can call for a special meeting with a quorum to approve the next highest bidder.

Mr. Kimmel asked if there is a possibility that Grasso Corp. can impose an injunction. Mr. Chimento said that there is not a large possibility, but yes.

**** MOTION PASSED BY ROLL CALL VOTE WITH SEVEN (7) VOTES IN FAVOR (MR. CORSELLO, MR. KIMMEL, MR. SACCHINELLI, MS. MELENDEZ; MR. KYDES; MR.IGNERI AND MR. LIVINGSTON) AND SIX (6) VOTES IN OPPOSITION (MR. BONENFANT; MR. HEMPSTEAD; MR. SERASIS; MS. BOWMAN; MR. SIMMS; MS. O'TOOLE GIANDURCO)**

Ms. Bowman said it was completely ridiculous how all of you vote against South Norwalk, especially the Democrats. She said she encouraged all who want to open a construction company to go to Rowayton or Silvermine. She said that when people from South Norwalk ask you to vote a certain way, you should take note.

RESOLUTIONS FROM COMMON COUNCIL

There were none this evening.

MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

SUSPENSION OF RULES

There were none this evening.

ADJOURNMENT

**** MR.IGNERI MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:44 p.m.

ATTEST: _____
Donna King, City Clerk

Brian M. Baxendale
8 Seaside Place, Norwalk, Ct 06855

unaffiliated

Mentor and Chapter Chair, Score Fairfield County; Director, OutputLinks Inc.;
Board Director, Homes with Hope;
President, Pitney Bowes Document Communications Technologies [retired],

Life before full time career

Born in the mining valleys of Wales, UK. Graduated from Cambridge University with a MA in 1964.

Graduate thesis: "Urban Development of Southend-On-Sea."

Joined Ford Motor Company and later Mars Inc. before studying Industrial Administration at Bradford University [1970-1971].

Pitney Bowes Career [1971 to 2005] – Developing People and Business

Started in sales and marketing with Pitney Bowes, UK in 1971. Expanded responsibilities to cover customer service, product development, engineering, manufacturing and finance with experience extending to Europe, Africa, Middle East, China, Japan, India, south east Asia and Australasia.

Came to the US in 1990 with global marketing and product line responsibilities for Pitney Bowes High Volume Processing systems

In 1995 was appointed President of PB Document Messaging Technologies.

In 1998 promoted to Group President and Corporate Officer of Pitney Bowes Inc.

Member of Pitney Bowes Inc's management board [1999 – 2005]

Life after Pitney Bowes [2005 to present] – Give Back but Make Things Happen

Have worked with Habitat for Humanity, Junior Achievement, NEON and SCORE Fairfield County, Norwalk, a volunteer organization helping small businesses grow and contribute to the community.

In my SCORE, Norwalk activities I have worked with members of the Common Council and helped facilitate the update of the City' economic plan in 2014-15 for Mayor Rilling and Liz Stocker.

I have a strong interest in the City of Norwalk's redevelopment and achievement of a well-balanced community living space

Personal

Live in East Norwalk, Connecticut, with my wife, Marjolijn. Our sons, daughters and grandchildren are spread between America and Europe. I enjoy time rowing/sculling, business and community interests, growing SCORE Fairfield County and our extended family.

Contact Details

Cell: 1 203 512 5259 b.baxendale@gmail.com

November 2017

Tamsen (Tammy) C. Langalis
11 Indian Spring Rd.
Norwalk, CT 06853
Tammy.Langalis@Raveis.com
203-644-2393



Employment:

William Raveis Real Estate, Norwalk/Rowayton, CT; Realtor 2007- present
Coldwell Banker Residential Real Estate, Norwalk, CT; Realtor 2003-2007
Liz Claiborne and Evan-Picone Sportswear, New York, NY; Sales 1984-1994

Community Involvement:

Sixth Taxing District, City of Norwalk; Commissioner and Chair; 2007- present
Board of Assessor Appeals, City of Norwalk; volunteer 2008-2011
United Church of Rowayton, Norwalk, CT; Deacon 2016-present, Board of Christian Outreach 2014-present, Board of Christian Education 2002-2006, member 1997-present
Rowayton Civic Association; Board Member and volunteer 2000-2005
Norwalk Land Trust; Member and volunteer 2006-present
Rowayton Gardeners; Member 1998-present

Professional Associations:

Consolidated Multiple Listing Service, Greater Fairfield County
National Association of Realtors
Darien Board of Realtors

Education:

Skidmore College: Bachelor of Science, 1984

References upon request.



Nonprofit Communications Manager

PROFESSIONAL EXPERIENCE

The CauseWay Agency (Westport, CT)

Current: Communications Manager

A purpose-driven, full-service cause communications agency that works exclusively with leading nonprofit organizations and government agencies to address important social issues.

- Member of leadership team creating regional and national multimedia marketing communications campaigns to generate awareness and inspire change;
- Fulfill Account Executive role for key accounts for nonprofit organization and government agencies in areas of healthcare, environment, education and housing;
- Direct development of creative deliverables including print, video, digital and radio ads and public service announcements, coordinating team of art directors, copy writers, clients, talent, vendors, and media companies;
- Implement and analyze multi-platform media buys, outreach efforts and outcomes;
- Design, write, and distribute corporate newsletter.

Cultural Alliance of Fairfield County (Norwalk, CT)

2013-2017: Director of Marketing & Public Relations

Build strong relationships with membership, media outlets, community and businesses, funders, and patrons to increase awareness and fulfill the mission of CAFC; Support marketing needs of countywide arts & culture membership.

- Website Management: Manage all aspects of organization's two websites: FCBuzz.org, a regional marketing platform that promotes events and activities of over 500 nonprofit cultural organizations, artists, and creative businesses; and CulturalAllianceFC.org, which offers online resources to membership and cultural community;
- Marketing Strategy: Develop, write, edit, and deliver integrated marketing efforts of CAFC and members, inclusive of print, broadcast, and social media platforms; Work with staff and board to create and implement strategic plans;
- Newsletter: Produce weekly online newsletter including content, design and distribution, and other strategic communications to members, cultural audiences, donors, and sponsors;
- Press: Represent the organization to press; Write and distribute all press releases; Maintain press contacts and database;
- Fundraising: Collaborate on fundraising event planning and execution, assist in cultivating and identifying potential donors, provide content for grant applications and grant reporting metrics;
- Radio Show: Produce and host monthly live radio program, "Spotlight on Arts & Culture", on WPKN 89.5FM. Interview format features topical conversations with arts & culture notables;
- Programs: Lead and develop quarterly Marketing Roundtables that feature thought leaders who present best marketing & communication practices to membership's marketing professionals;

Jennifer Bangser

2011-2013: Administrative Manager

- Administer membership database;
- Handle membership renewals and communications;
- Assist with online website content management, program execution, and media relationships;
- Manage QuickBooks, prepare financial reports.

Silvermine Arts Center, New Canaan, CT

Visual arts center with galleries, a school of art, public programs, and boutique gift shop

2009-2011: Administrator

- Managed course registrations, including counseling students and payment processing; facilitated gallery experience for patrons and assisted with gallery purchases.; also managed interns (college and high school level).

Ellen Wallace Art Consulting, Highland Park, IL

Full service fine art consulting firm offering art curatorial services and collection management

2004-2008: Project Manager

- Developed and managed artwork database for represented artists and client collections; conducted site visits to artist studios to identify works for inclusion in offerings; and project manager for all visual presentations of art available, specific to client interests.

Lake Forest College, Lake Forest, IL

2006-2008: Program Assistant, Department of Economics, Political Science, and History

- Provided administrative support to department chairs and faculty; supervised and monitored student business internships for the College.

Long Island Soundkeeper, Norwalk CT

Environmental nonprofit organization advocating for protection of Long Island Sound

1990-1992: Director of Development and Programs

- Developed strategic development plan; researched and wrote all grants; created membership program and communications; served as public spokesperson; project manager for creation and production of *The Soundbook* - a resource guide for educators and the community.

New Canaan Nature Center, New Canaan, CT

Nonprofit environmental education and stewardship organization

1989-1990: Office Manager

- Managed registrations for public programs and nursery school; responsible for all bookkeeping functions; ordered and maintain supplies for facility and programs.

Marketing Corporation of America, Westport, CT

(Newspaper Co-Op Couponing division of full service marketing, consulting, and advertising firm)

1981-1987: Consumer Promotions Manager

Jennifer Bangser

- Responsible for creating custom print media planning guides for nation's largest newspaper advertising buyer prepared for Fortune 500 consumer goods companies; executed media buys, placement, and billing reconciliations; oversaw weekly advertising print production at NYC printing plant;

CIVIC AND VOLUNTEER:

Current:

International Institute of Connecticut, Bridgeport, CT: Committee Chairperson

Board member, Norwalk International Cultural Exchange (NICE), Inc.

Fairfield County Resource Committee, The Jordan Porco Foundation, Hartford, CT

Member, Norwalk Arts Commission: Appointed by Mayor Rilling, 2015-Present
(Public Art and Tourism Mobile App sub-committee)

Recent:

Fairfield County Business Council, Stamford, CT: ITalent Committee

Play With Your Food, Inc., Westport, CT.: Co-Chair Gala Committee

Ragdale Foundation, Lake Forest, IL: Board Member, Friends of Ragdale

Lake Forest Hospital Women's Advisory Council: Founding Member

Lake Forest Historical Society: Public Relations Committee

Association of Parents and Teachers, Lake Forest School District: Vice President/Treasurer

EDUCATION

Western CT State University, Bachelor of Arts, *Summa Cum Laude*, Honors Program

Major: Political Science Minor: Environmental Studies

Additional coursework completed at Fairfield University and Loyola University of Chicago

u

Theodore C. Burt, Jr.
44 Fairfield Avenue
South Norwalk, CT 06854
203-855-7859
203-919-4700 (cell)
TCBATCT@AOL.COM

Professional Experience

April 1993 - Present

Burt & Associates - South Norwalk, CT
Marketing & Creative Services

- Principal
-

Accounts: IBM; AT&T; COMPAQ; Dell Computers; Acer Computers; Canon; Sony; Clinique; MCS Canon; Pitney Bowes, Inc.; Chase Bank; Verizon; Bell Atlantic; Sacred Heart University; TIGRe Reinsurance; Samsung; Rollei cameras, Nikon; Symbol Technologies; Maxell; Air France; Deloitte & Touche; GSA Advantage; Owner Offered Consultants; First Connecticut Capital; Rolling Green Restaurant, Mingoello & Hayes, Architects; Northeast Builders Supply; Comprehensive Cardiology of Stamford & Greenwich; Healthy Aging Show; Lithos Restaurant; PRD Family of Diners; Thibault Group; JBC Construction

Agencies: Ogilvy & Mather Direct; Ogilvy & Mather Direct Design; Wunderman Cato Johnson Direct; Young & Rubicam; Touchscreen Media; Bronner Slosberg Humphrey; Wells Rich Greene, BDDP; Lowe Direct; Stark Advertising; Ammirati & Puris; Clarion Marketing & Communications; Barry Blau & Partners; Alcone, Sims, O'Brien; Daniels & Roberts; Marketing Corporation of America; Goldberg, Fossa, Seid; Wells Knox Davis
Development and implementation of direct marketing programs; sales promotion; collateral materials; point-of-purchase programs; print ads; Web development; Web content; annual reports; proposal writing; branding; identity programs

1990 - April 1993

Dentsu Corporation of America - New York

- Director of Sales Promotion/ Creative Director
-

Accounts: Canon USA, Inc., including Copiers, Graphic Systems Products, Computers, Home Office Products, Video, FAX, Corporate; Nikko Hotels; Japan Airlines; TV Japan Network

Supervision of all creative personnel, hiring and termination of employees. Development of sales promotion materials; direct marketing programs; annual reports; sales training and videos; trade show support; new business proposals and presentations; branding and identity programs for new clients

1987 - 1990

Saatchi & Saatchi Advertising - New York

- Vice President
 - Creative Supervisor
-

Accounts: IBM Mid-range and Mainframe new products (various divisions); IBM Software new products (various divisions); New York Life; Special Olympics

Development of collateral and point-of-purchase materials; direct marketing programs; sales training and videos; trade show support; new business proposals and presentations

1983 - 1987

Muir Cornelius Moore - New York/Boca Raton, FL

- Vice President
 - Management Supervisor
-

Accounts: IBM Personal Computers (various divisions); IBM Software (various divisions); IBM Product Centers; AT&T; NYNEX; Fuji Film; Wall Street Journal

Supervision of account personnel; hiring and termination; P&L for group; development and implementation of marketing plans; new business development, proposals and presentations; production of collateral, point-of-purchase, direct marketing, video and trade show support

Burt

Page 2

April 1983 - November 1983

Group Three Advertising

- Copy Supervisor

Accounts: Southeast Bank; Biscayne Savings and Loan; Popeye's Chicken; Phillips; Piper Aircraft

Development of print, television and radio ads; collateral materials; point-of-purchase materials; training videos and trade show support; new business development, proposals and presentations

1981 - 1983

Burt & Associates - Delray Beach, FL

- Principal
-

Accounts: Norwegian Caribbean Cruise Lines; W.A. Taylor; Burger King; Biscayne Decorative Products; Deer Creek Resort; WCT Tennis; PGA National; Laver's Resort & Racquet Club; Compubit; Palm Beach Hampton

Development and production of industrial films; television commercials (writing and direction); radio commercials; multi-media slide shows; collateral materials and print ads

1971 - 1981

University of Pittsburgh - Titusville, PA

- Chairman, Division of Humanities
 - Chairman, Department of English, Speech and Theatre
 - Associate Professor (tenured)
 - Writer-In-Residence
-

1967 - 1971

State University College - Fredonia, NY

- Playwright-In-Residence
 - Director of Freshman English
 - Director of Writing Laboratory
-

Education

M.F.A.

University of Connecticut, School of Fine Arts

- Playwright-In-Residence
 - Major Fields: Playwriting, Dramatic Criticism
 - Minor Field: Directing
-

A.B.

Ohio Northern University

- Major Fields: English, Theatre
 - Minor Fields: History, Political Science, French
-

Awards and Publications

-
- New York Council on the Arts Fellowship (fiction)
 - New York Council on the Arts Fellowship (playwriting)
 - Shubert Playwriting Fellowship
 - 28 original plays produced
 - 75 plays directed
 - Over 700 publications in fiction, non-fiction, poetry, drama and criticism
-

References

Available upon request



Becki Christopherson



203.981.9875 tessnorwalk@gmail.com www.musicattess.com

PROFILE

I have been a performing musician and teacher in Fairfield County for 22 years and own the Talent Education Suzuki School (TESS). I recently downsized the school into a home studio of 37 students studying violin, piano and cello.

EXPERIENCE

MUSIC SPECIALIST SUBSTITUTE TEACHER, NORWALK PUBLIC SCHOOLS, 2016-PRESENT

It is important that the students receive regular musical instruction in order to achieve musical literacy, and as a music specialist I can ensure that their instruction will continue. They don't have class every day, and often only every other week, so every session counts!

OWNER/CEO/TEACHER TALENT EDUCATION SUZUKI SCHOOL, LLC, 2005-2017

I was responsible for programming special events, general operations, managing ten employees and serving 200+ families with music education services. I also maintained a full violin, piano and cello teaching studio.

FOUNDER/PRESIDENT, NORWALK ARTS SOCIETY, INC., 2013-PRESENT

I founded this organization to build the performing arts in Norwalk and the surrounding areas. We host arts and cultural events and advocate for the arts in Norwalk, including the annual SoNo ArtsFest Children's Art Playground.

NORWALK SYMPHONY ORCHESTRA, 1ST VIOLIN, 1999-PRESENT

Perform in five concerts per year in the 1st violin section.

CEO/MUSIC DIRECTOR, SUZUKI MUSIC SCHOOL OF WESTPORT, INC., 1995-2004

MUSIC DIRECTOR, ST. PAUL'S LUTHERAN CHURCH, 1995-1999

EDUCATION

The Ohio State University, Bachelor of Music, 1992, Major in Violin Performance, minors in piano and cello

VOLUNTEER WORK

SoNo Arts Festival, 2017

Norwalk Arts Festival, 2014-Present

Norwalk Symphony Orchestra, Board of Directors, 2012-Present

Norwalk Chamber of Commerce, Small Business Council, 2010-Present

Norwalk Arts Commission, Founder and Member, 2006-Present

Norwalk Rotary Club, Member, Event Chairperson, 2013-2016

JANET G. EVELYN
20 ELMWOOD AVENUE, NORWALK, CT 06854
MOBILE: 203. 919.3000
EMAIL: JANET.EVELYN@OPTIMUM.NET



Professional Summary

Senior Marketing and advertising professional with experience managing multi-media advertising strategy. Strength in media planning, buying, negotiation, development, and implementation of advertising solutions in traditional and digital markets. Leadership experience includes media planning, buying, and negotiation for clients including Procter & Gamble, Warner Bros., Walmart, GEICO, Golden Corral, Iona College, Southern New Hampshire University, SolarCity, and Foxwoods Resort Casino.

Entrepreneurial self-starter with dexterity to multitask in fast-paced and or demanding environment.

Professional Experience

NICE INC

Aug 2014 - To Present

Founder, Executive Director

- A Norwalk, CT non-profit organization that seeks to promote and increase awareness of the diversity of peoples from around the world through arts and culture.
- Successfully built a coalition of community leaders and individuals to implement The First Annual NICE Festival celebrating Norwalk's global heritage and its progressive multi-cultural aspects.

Senior Marketing & Media Manager

Aug 2010 - To Present

Strategic marketing consultant in media research, planning, and buying for clients including Story Worldwide, Mediassociates, MNI Targeted Media, Emirates, WPKN Inc., and CRN Radio.

- Repositioned WPKN's Radio (CT) launch as Director of Underwriting and developed conceptual sales materials, media kit, website and other collateral. Successful in testing and sales launch for station's 50th anniversary including corporate, and sponsorships.
- As Director of Broadcast for Mediassociates was instrumental with management team in doubling SolarCity's revenues within twelve month period through innovative, strategic media planning and management. Collateral and sustainable benefits to client included:
 - Tripled SolarCity lead generation with calculated, highly targeted direct response radio campaign while reducing cost per acquisition (CPA) by 72 percent.
 - Improved company's overall performance with implementation of industry best practices by utilization of media management tools to streamline reporting and billing.
 - Leveraged client billings and achieved 15 percent in added value for SolarCity over three quarters.
 - Devised strategic national network TV ad campaign resulting in agency win of Southern New Hampshire University (SNHU), catapulting company into national network TV arena.
- As Marketing Manager for Emirates airlines developed and managed company's media planning strategies for brand, tactical and multi-cultural advertising campaigns in TV, print, radio and digital.
 - Negotiated media purchases with national, international and local media outlets including CBS, ABC, NBC, Bloomberg, the BBC, The New York Times, Wall Street Journal, and the Financial Times. Coordinated execution of sports sponsorships including the Kentucky Derby and FIFA.

JANET G. EVELYN
(CONT'D)

- o Managed \$40 million annual budget and managed delivery of sales materials and content for various marketing segments and monthly website tactical sales including copywriting for Special Offers, Email blasts and eNewsletters.

Re:think Group, Advertising Agency – Stamford, CT

Mar 2007 – Aug 2010

Media Director

- Stewardship of media department in development of agency's strategic media solutions and writing of media plans to meet clients' marketing objectives. Negotiated and implemented all media including TV, radio, print, and outdoor. Oversaw development and budgeting for digital and emerging initiatives including, online, mobile, electronic direct mail, search and social media programs.
- Teamed up with product managers and corporate advertising staff to establish media goals, objectives and strategies within corporate advertising budgets. Conferred with media representatives to select specific programs and negotiated media to ensure optimum use of budgeted funds, including long-term contracts.

Media Options, Inc., White Plains, NY

May 2006 – Mar 2007

Media Manager

- Managed national branding and direct response TV buying effort for Invisalign teeth straightening products, TIMwe telecommunication mobile applications and Alltel prepaid phone service.
- Responsible for negotiations of over \$35 million in media placement on ABC, NBC, CBS, and national cable networks including, CNN, TNT, TBS, MTV, Lifetime, E, Style, and Oxygen.
- Tracked and evaluated call responses, and optimized campaigns through CORE Direct management system. Provided analysis and ROI reporting based on CPP, CPM, CPA, and CPI key performing indicators.

Horizon Media Inc., New York, NY

Mar 1999 – Dec 2005

Broadcast Group Manager

- Developed and executed over \$100 million annually in marketing media programs on assigned accounts, including GEICO, Golden Corral, Foxwoods Resort Casino and SunCom Wireless. Provided media research and analysis, budget planning and allocation, target audience evaluation and optimization, CPM, CPP, and recommendation of effective channels.
- Led growth and development of strategic partnership relationships that resulted in 15 percent average annualized cost savings (CPM) for clients.
- Negotiated multi-media sports sponsorships with the NBA, MLB, NHL, NASCAR and college sports. Sport franchises included the Knicks, Rangers, Celtics, Bruins, Red Sox, SEC and ACC.

Additional Info

Skills – Microsoft Office Suite (PowerPoint, Excel, Word, Outlook, Publisher), Nielsen, Arbitron, Telmar, Kantar, Scarborough, BVS, Strata, CORE, Donovan, Adwords, CPP, CPM, CPA, CPC ROI Reporting,

Education – BA International Relations Claremont McKenna College

Associations and Awards – George Washington Carver Foundation of Norwalk, New Covenant House of Hospitality, HEROS, Ralphola Taylor Community Center YMCA, 2009 GW Carver Outstanding Parental Involvement and Support award.

**NORWALK ARTS COMMISSION
APPLICATION FORM**

Nori Grudin

4

Name: Nori Grudin

Address: 10 Grand St

Phone:

Email:

Thank you for your interest in serving on the Arts Commission. To help us get to know you and your interests, please answer the following questions and attach a resume or bio if available. Please return your application to: Norwalk Arts Commission, Attn. Mayor's Office, 125 East Ave., Norwalk CT 06856

1. Are you interested in serving as a voting member or ex officio member? Yes
2. If ex officio, what group or organization do you represent?
3. Why do you want to serve? To raise awareness of the arts in our community and to help both residents and visitors learn more about Norwalk's extensive collection of artwork and historical treasures.
4. What strengths, expertise, special skills, and experiences would you bring to the Commission? I'm was an American History major in college has also provided me with knowledge and training regarding art history, as well as how history and art is often co-mingled. My current career in the high-end travel industry has afforded me many opportunities to visit various locations to learn about art, history, and artists, as well as allowing me to be exposed to artists, authors, musicians, and historians..
5. Have you reviewed the roles and responsibilities and are you able to make a commitment to these expectations? Yes
6. Please describe your current and prior community service and volunteer experience. Are you a member of any arts organizations? I'm a current Norwalk WPA Mural Docent and a member of the Art Commission. I've done volunteer work at the national parks i.e., Valley Forge, Old North Church, Elis Island, Lexicon & Concord and more. I've also created/maintain the Facebook, Twitter and Instagram page.
7. The Commission is currently revisiting its monthly meeting day and time. What is your availability? Please note your preferences and any limitations i.e., days, times that don't work.
☐ Weekday mornings (8:30 – 10 AM)
☐ Weekday early evenings (4:30 – 6 PM)
☐ Weekday evenings (7:00 – 9:00 PM)
☐ Other:
8. Anything else you would like to share? As a current member of the commission, I've volunteered for Slow Art Day and CT Open house.

King, Donna

From: Susan Wallerstein [susanwallerstein@gmail.com]
Sent: Wednesday, June 28, 2017 1:03 PM
To: King, Donna
Cc: Lynn Massey
Subject: Fwd: Arts Commission



Donna,

Thanks in advance for adding Lynn's request below) to be reappointed to the Arts Commission to the other eight (8) names submitted previously. It's my understanding that pending the Mayor's review, these will be forwarded to the Common Council for consideration at their July 11th meeting. Please let me know if anything further is required.

Best,
Susan

June 28, 2017

Dear Mayor Rilling,

I am proud to be among the original Norwalk Arts Commission members chosen by Tad Diesel and appointed by Mayor Moccia.

As a united body we have succeeded in making many internal improvements,

including; creating a data base of all public art, recognizing, reorganizing, and relabeling WPA mural art, starting docent tours of WPA murals including student docents. We support local art initiatives. We continue to make communication of the Norwalk arts a priority. Commission members have used their technology skills to bring the Norwalk arts into the website, Facebook, app, and #(hashtag) vocabulary.

Needless to say I am impressed with the progress we continue to make.

As with many organizations, we struggle to bring the arts to ALL Norwalkers. The various media devices make more work for us to hit them all.

As an artist member, I hope my particular point of view is an asset to the group. However it limits my ability to participate in "open calls" to artists..

If reappointed, I would be honored to serve one more year through June 2018, as an Arts Commissioner.

Most sincerely,

Lynn stephens massey



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Rilling/appt.

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Helen Roman <helroman@optonline.net>
To: Susan Wallerstein <susanwallerstein@gmail.com>

Wed, Jun 21, 2017 at 2:48 PM

Helen Roman - 314 Sunrise Hill Lane - 06851



June 21, 2017

Dear Mayor Harry Rilling,

My name is Helen Roman, Norwalk has been my new home now for almost two years and I have had the privilege of becoming a voting member of the Norwalk Arts Commission. The members of this organization are talented, creative and provide an important service to our town. Much has been accomplished in the time that I have served and I hope that my talent and expertise as creative director, designer and copywriter with over 30 years of experience in advertising and promotion can be an asset to this organization. I therefore I respectfully ask for one years furtherance of my appointment.

Yours,

Helen Roman



DANIELLE

VINCI

of

Vinci Artistry

162 Newtown Ave

Norwalk, Ct 06851

203.856.0499

vinciartistry@gmail.com

www.vinciartistry.com

ABOUT ME

Imaginative and successful artist versed in all aspects of art creation, installation and teaching.

SKILLS

CPR/First Aid Certified

Art composition

Facebook Applications

Adobe Suite

Superb attention to detail

Superior organizational skills

Time management

Ceramics

Oil based mediums

Watercolours

Ability to perform under pressure

Traditional fine art skills

Strong design sense

Excellent skills in oral and written communication

organizing and program planning

EXPERIENCE

(R)

Art Coordinator | 10/2015- Present

Developed lesson plans for students K-12.

Taught fine arts as well as arts and crafts to students K-12.

Developed, organizing and implementing special programs.

Developed and maintained relationships within the community, parents and staff.

Organized events to display student work to parents, teachers and local community.

Created monthly Newsletter for the Housing Authority.

Managed Social Media for the entire program.

Hired and trained new staff, and responsible for their management.

Quarterly reports including objectives, summaries, outcomes, student success stories.

Responsible for all supply ordering for art department.

Managed monthly staff meetings.

Norwalk Arts Commisison (voluntary) | 10/2015-Present

Responsible for any art programs that take place for the city of Norwalk.

Placement of all art throughout city properties from local art participants.

Organized local Art events.

Attend committe meetings monthly.

Select art winners for the Mayor's Gallery for the city hall.

Independent Artist | 01/2015-12/2015

Step by step teaching for group classes.

Booking of locations including venue selection.

Managed Social Media for PaintNite program.

Marketing for all events.

Nanny | 2012-2015

Nannied for families while in college and post graduation.

Before/Afterscool Care Coordinator | 12/2009-2012

Homework help.

Planning and organization of activics.

Parent contact.

EDUCATION

Southern Conneticut State University | 2015

Bachelor of Studio Arts: Painting

Norwalk High School | 2009

High School Diploma

Susan Olsen Wallerstein, Ph.D.
223 Wolfpit Avenue
Norwalk CT 06851
(203) 970-4400
susanwallerstein@gmail.com



Susan Olsen Wallerstein has nearly forty years of experience in public education at the district, regional and state levels. As a district official, classroom teacher, school principal, and regional service center administrator, Susan has implemented a wide range of reforms designed to improve district efficiency and improve educational outcomes. As a former City Council member and chairman of a municipal Finance Board, Susan also appreciates the role that politics plays in shaping the education market at both the state and local levels.

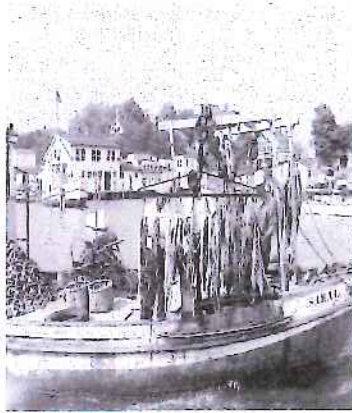
Prior to joining the Greenwich Public Schools, Susan served as Director of Learning Services at one of six regional service centers in Connecticut. In that role she supported the development and implementation of interdistrict school improvement efforts as well as federal and state programs, including Drug Free Schools, School to Career, consolidated grant programs, urban-suburban interdistrict programs in response to Sheff v. O'Neill lawsuit, and technology integration.

Susan began her career as a world languages teacher at Norwalk High School. She was active at the international level, working on behalf of the Connecticut State Department of Education to implement a USIA-funded program linking Russian and Connecticut high schools. The French government chose Susan to serve as co-facilitator for a summer program in Dakar, Senegal to support the goal of helping K-12 school districts and higher education enhance teaching and learning about non-Western cultures. Based on this work, the MacMillan Center at Yale University selected her as a PIER (Programs in International Educational Resources) Fellow. She also taught at the college level.

Dr. Wallerstein's research interests include evaluating how the political culture impacts educational equity, efficiency and effectiveness. She completed her undergraduate studies Phi Beta Kappa and her Ph.D. at the University of Connecticut. Susan lives in Norwalk and serves as Chair of the Norwalk Arts Commission. She and her husband have two adult children and five grandchildren.



CONNECTING THE ARTS WITH THE COMMUNITY



Accomplishments

- Secured the rights – at no cost – to a significant collection of archival photographs taken by Norwalk WPA mural artist, Alexander Rummler (photo left).
- Supported the creation of a Traffic Graphic box by Norwalk teaching artist Jahmane West and Norwalk Housing Authority 20 West art students (photo center).
- Provided docent-led tour of Norwalk's WPA mural collection to bus tour from Georgia (photo right). Adult and student docents also provided three public art walking tours in South Norwalk and multiple tours for 3rd grade classes as part of City Hall field trips.
- Executed four (4) strategies to expand access to and increase public awareness of public works of art, both contemporary and historical throughout Norwalk:
 - Updated/maintained public art inventory.
 - Responded to public art donation opportunities (Mellion, Perry, Cole, Briggs); assisted with new acquisitions (Gateway to Norwalk, Yankee Doodle Garage, Waypointe), managed the public art installation deaccessioning process, all consistent with the public art policy.
 - Produced new public art signage
 - Oversaw the procurement and development of Norwalk's first mobile app featuring 60 points of interest.
- Hosted 2nd annual SLOW Art and Connecticut Open House events.
- Supported Norwalk Public Schools student art initiatives including the Ralph Sloan Gallery and the annual student art show.
- Engaged a curator to produce four public art installations in the Mayor's Gallery.
- Participated in the Norwalk Arts Festival, the NICE Festival, and InSide/Out event.
- Represented Norwalk at various regional and state forums and activities including Department of Economic and Cultural Development (DECD) charrette, regional grant review process, Norwalk

Day at the legislature, Hartford Courant interview and tour, Norwalk Hour new reporter tour, DECD cultural tourism listening tour.

- Expanded Norwalk's cultural presence on social media including Facebook and Instagram #livelevenorwalkct
- Partnered with the Redevelopment Agency on an NEA grant proposal.
- Hosted the area premiere at Norwalk Community College of a WPA documentary.
- Supported the work of Norwalk's 1st Poet Laureate from selection to programming including poetry readings in a local gallery, "Raining Poetry," ekphrastic poetry workshop inspired by Sheffield Island plein air paintings, 20 West multi-lingual student poetry readings at the NICE Festival, etc.
- Drafted an ordinance establishing a permanent, official Arts Commission, currently under consideration by the Common Council. This ordinance increases/improves the City's eligibility for funding.

Steven Glenville Ferguson

203.822.4042

Email: ferguson06902@gmail.com

<https://www.linkedin.com/in/thebanker>



Profile

A seasoned financial business banking officer implementing business development initiatives to acquire new customer relationships and to retain current client relationships for a reputable mutually held financial institution. Perceived as a solution based team member with problem solving skills. Goal driven using relationship focused behaviors with attention to meet timely deadlines. Skilled communicator with management qualities needed to perform independently and in a team environment.

Accomplishments

First County Bank

Asst. Vice President- Business Banking Officer

2015-Present

Primary duties involve the development of new to bank business relationships in lower Fairfield County, CT. Relationship manager with a diversified loan portfolio of various businesses and industries. Presents full service suite of business banking solutions, offering business banking products to service prospective and existing business clients and their employees.

- Commercial Relationship Manager and Business Development Officer for commercial customers.
- Responsible for aggressively soliciting and servicing prospective customers, producing a variety of commercial loans. Generating and managing a portfolio of business and corresponding relationships.
- Establishing and expanding the existing book of business for branches from Greenwich to Fairfield, CT covering five branches in lower Fairfield County.
- Responsibilities include periodic financial reviews of existing clients. Review total relationship to ensure maximum utilization of all banking services and corporate initiatives are met and used. Joint calling efforts, marketing and referral management. Analyze each client's historical financial trends to anticipate current cash flow and long term needs.
- Non-Profit liaison for the First County Foundation. Relationship manager of the bank's community based non-profits. Monitor their long standing relationship, delivering over \$630,000 in grants per year.
- Daily communications with all referral sources, weekly branch huddles and management conference calls.
- Joint calling with senior management, branch personnel and Center of Influences to present the banking story and the community commitment to the clients we serve.
- Quarterly measures include Lending, Deposits, Merchant Services, Payroll and Cash Management

Selected Achievement:

Recipient of the Fairfield County's 40 under 40 award in 2016

Exceeded commercial loan and deposit goals for 2016.

First Niagara Bank
Vice President- Small Business Banking

2014-2015

Primary duties involve the strategy development to identify, source and present all business banking solutions by offering business banking products to service prospective and existing business clients and their employees. (Merger with Key Bank in 10/2015 resulted in the division moving out of state, recruited by First County Bank prior)

- Responsible for establishing and expanding the existing book of business for branches from Greenwich to Shelton, CT the 14 branches in Fairfield County.
- Daily communications with all referral sources, weekly branch huddles and management conference calls.
- Joint calling with management, branch personnel and Center of Influences to present the banking story and the community commitment to the clients we serve.
- Quarterly measures include Lending, Deposits, Merchant Services, Payroll and Treasury Management

Selected Achievement: Within first 90 days of employment closed a permanent commercial mortgage in 21 days.

JP Morgan Chase Bank
Business Banker/Officer

2010-2014

Primary duties involve acquiring and the servicing of commercial, small business and private client relationships through sales efforts. Daily solicitations of various small business lending and deposit solutions. Lead prospecting contact person. Coordinate branches, center of influence and referral leads.

- Provides complex commercial lending solutions through financing options such as temporary financing, permanent commercial mortgages, lines and letters of credit.
- Coach branch personnel to implement daily activities to connect multiple layers of business opportunities.
- Lead in implementing various business development efforts, including show coaching, follow-ups on referrals and provide result to management with best practices.
- Refer and coordinate with various professional contacts to maximize relationship potentials.
- Lead business banker for new businesses in the area. Utilize all search tools in local municipalities to identify new businesses.

Selected Achievement: Honored with MVP award by the National Sales Division at Chase in 2010 and 2013.

Grew book of business from 9MM to 14MM

Commerce Bank/ TD Bank, Norwalk, CT

2007- 2010

Store Manager/Business Development Officer/Assistant Vice President

Primary responsibilities included the overall management of branch sales, service, client relationship building, portfolio growth, and profitability of the branch. Develop and direct branch performance levels and implement effective solutions for revenue improvement in targeted areas.

- Provided direction and coaching to branch staff concerning pro-active sales techniques/activities, timing of campaigns and measurement of results.
- Responsible for hiring, performance improvement plans, reviews, promotions, salary recommendations and terminations of their direct reports.
- Lead analyst on client portfolios. Direct client contact and relationship building. Examine the financial structure of personal and business clients to provide sound advice to upper management for relationship expansion or reduction. Analyzing financial trends of the market, gathering reports, to facilitate staff meetings.
- Travel to prospective client's place of businesses and residences to provide exceptional service and personal touches to complex and irregular financial transactions.

People's Bank, Stamford, CT

2004- 2007

Financial Services Manager/Assistant Vice President

Primary responsibilities included the overall management of branch sales, service, client relationship building, portfolio growth, and profitability of the branch. Develop and direct branch performance levels and implement effective solutions for revenue improvement in targeted areas.

- Provided direction and coaching to branch staff concerning pro-active sales techniques/activities, timing of campaigns and measurement of results.
- Responsible for hiring, performance improvement plans, reviews, promotions, salary recommendations and terminations of their direct reports.
- Lead analyst on client portfolios. Direct client contact and relationship building. Examine the financial structure of personal and business clients to provide sound advice to upper management for relationship expansion or reduction. Analyzing financial trends of the market, gathering reports, to facilitate staff meetings.
- Travel to prospective client's place of businesses and residences to provide exceptional service and personal touches to complex and irregular financial transactions.
- Provide direction to ensure monetary and lending compliance procedures are in place to support Federal and State driven laws.

Selected Achievement: For the 2nd and 4th Quarter 2005 awarded a bank wide competition of exceeding by far in Profitability and Revenue targets. The best branch out of 160 branches in Connecticut for 4th Quarter 2005 "MVP award" for best out of the best in Feb 2006. Top performer of closed Mortgage and Equity based products of People's Bank in Annual sales for the 2006 year.

Wachovia National Bank, Stamford Executive Office, Stamford, CT
Financial Specialist Officer

1999 - 2004

Primary responsibilities involve acquiring and servicing personal and business clients. Provided deposit products, insurance, investments and residential and commercial Loans. Regular reviews of credit risk, cash flows, and financial statements to lend.

- Analyze client portfolios and make recommendations in order to assist clients in attaining their financial goals.
- Perform reviews of clients' current financial resources and financial position, identify appropriate products that will fit their needs and provide added value to their existing portfolio.
- Assist in implementing various business development efforts, including conducting telemarketing solicitations and sales seminars.
- Collaborate with the residential mortgage processing team on documentation needed, call-outs for documentation/follow-up as well as communication the loan decision to the customer.
- Plan and execute business goals and objectives to acquire \$1M in business and personal loans; \$650k in new client deposit accounts; and \$300k investment portfolios per month.

Selected Achievement: Inducted into "*High Five Club*" within one year of employment.

Education/Certifications:

- University of Connecticut-pursuing Bachelor of Science in Business Administration
- Connecticut Conference of Municipalities CCM trained
- State of Connecticut Life and Health Insurance License
- Investment Company Products/ Variable Contracts-Series 6
- Investment Company Products/ Variable Contracts-Series 26
- Uniform Securities Agent State Law Exam-Series 63
- National Mortgage License ID 201750
- Certificate Program with American Bankers Association: Business and Consumer Credit Underwriting, Tax Preparation and Review.
- State of Connecticut Notary Public

Boards/Interests:

- Vice Chairman- Planning Commissioner City of Norwalk, CT 2nd Term
- Past- City of Norwalk Subdivision Committee Chair
- City of Norwalk Capital Budget member
- Board of Directors Human Services Council
- Board of Directors Side by Side Charter School Norwalk, CT
- Past Secretary of the Rotary Club Norwalk CT
- Member of the Norwalk, CT Chamber of Commerce
- Member of Westport, CT Chamber of Commerce

References upon request

④

**Nathan Sumpter
45 Baxter Drive
Norwalk, Connecticut 06854
203-854-9466**

Career Objective: To use my knowledge and skills as a General Contractor to assist with decisions regarding Zoning regulations in Norwalk.

Education: 1971 – 1974 Attended State University of New York at Stony Brook, Stony Brook, New York. Major: Architectural and Art History.

1962 Graduate of J.M. Wright Technical School, Stamford, Connecticut
Area of Concentration: Drafting

Experience: 1991 – Present Owner of Aztec Painting & Remodeling Contractors
General Contractor specializing in home improvement including installation of drywall interior and exterior painting, replacement windows and doors, decks and porches, wallpapering and power washing.

1989 – 1991 ~CTE, Inc. Stamford, Ct. Director ~ Weatherization Program
Trained, scheduled and supervised ten (10) employees
Responsible for weatherizing homes in Fairfield county area.

1976 – 1989 Coordinator of Section 8 Program, Stamford Housing Authority, Stamford, Connecticut
Trained, scheduled and supervised six (6) employees in the payment of rent subsidies to landlords through a federally subsidized program sponsored by the Department of Housing and Urban Development.

1975-1976 Neighborhood Preservation Program Housing Rehabilitation Specialist
Responsible for data collection and reports used to assess home repairs.

1974– 1975 Fair Rent Commission, Housing Investigator, Stamford
Investigated tenant complaints filed against landlords in the private sector.

Military Service: 1965 – 1969 U. S. Army
Occupation – Illustration and Topography
Honorable Discharge

Affiliations: Current member of The NAACP
Treasurer 1999 - 2001
Second Vice President 2001 - 2002
First Vice President 2002 - 2003
Babe Spinola Little League, Vice President

References: Furnished upon request

• **Member of the Independent Party of Norwalk, 1999-present**

SKILLS

Microsoft Excel, Word, and Works, Internet, intermediate French, beginner Russian, musical knowledge.

**Galen W. Wells, Esq.
224 West Norwalk Road
Norwalk CT 06850**



Galen W. Wells is currently an attorney with an office in Norwalk Connecticut. Her practice emphasizes residential and commercial real estate law, business formation, and collections.

Ms. Wells was previously a partner in the law firm of Wilcox, Wells & Steinberger. Her practice emphasized real estate law, and business formation issues. She represented clients in the formation of businesses, the purchase and sale of real estate, the negotiation of construction contracts and leases, title searches, both residential and commercial financing and refinancing transactions, zoning matters, and collection matters.

From 1988 to 1992 Ms. Wells was Vice President and Senior Counsel at First Nationwide Bank where she was responsible for the administration and subsequent workout of a \$240 million dollar revolving loan secured by over 80 properties and numerous loans nation-wide. She was also responsible for commercial loan transactions, workouts and foreclosures in First Nationwide Bank's portfolio in New York, New Jersey and Pennsylvania. She was responsible for the sale of all of the Bank's REO in New York and she drafted the Bank's environmental policy, reviewed loan and foreclosure transactions for environmental compliance and was responsible for advice to the Environmental Technology Department and the analysis of the impact of CERCLA on the Bank.

Ms. Wells was previously Real Estate Counsel at American Standard Inc. (1984-1988) where she was responsible for sophisticated real estate transactions including multi-million dollar leases in major markets as both lessor and lessee; plant construction projects and plant closures; development of a corporate office park and the construction and development of a corporate condominium project; the real estate and environmental law aspects of major corporate divestitures; and the purchase, sale and environmental cleanup of a wide variety of properties. From 1979 until 1984 she was Associate Counsel at Champion International Corporation and from 1975 until 1979, she was Assistant Counsel at Tonka Corporation. In both positions she had responsibility for a variety of general corporate and real estate matters.

Galen W. Wells was graduated from Hamline University, St Paul, Minnesota in 1971. She was graduated *cum laude* from William Mitchell College of Law, St Paul Minnesota in 1975. She received an LL.M. from New York University School of Law in 1985. She is admitted to practice law in Connecticut, New York and Minnesota.

Ms. Wells is an Elections Moderator with a current certificate and has served as a Moderator at various polling places in Norwalk for 8 years. She is also Regional Elections Monitor for the Western Connecticut Regional Council of Governments. Ms Wells is a member of the Connecticut Bar Association, a former member of the Board of Directors of the Entrepreneurial Women's Network, a former member of the Steering Committee for IMPACT/Connecticut PAC for Women, a former Chair of the Norwalk Democratic Town Committee, a former member of the Finance Committee of the Unitarian Church of Westport and a former member of the Board of Directors of the West Norwalk Association. She is currently Vice Chair for the Norwalk Democratic Town Committee.



CITY OF NORWALK
Office of the Mayor, Harry W. Rilling

P: 203-854-77701 / F: 203-854-7939

125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

MEMORANDUM

DATE: June 13, 2017

TO: The Members of the Board of Estimate and Taxation
The Members of the Planning Commission
The Members of the Common Council

FROM: Harry W. Rilling, Mayor

RE: **\$460,000 Special Capital Appropriation for the Option to Purchase Agreement for 11 Belden Avenue property**

I support and forward for your consideration this special capital appropriation in the amount of \$460,000 for an option to purchase agreement for the 11 Belden Avenue property.

The city and Norwalk Public Library Foundation makes this request in order to immediately secure critically needed parking for the library in addition to creating the opportunity to develop the entire property in the future.

The agreement provides the city with an option to purchase the property for \$4,885,000 for a period of six years. In consideration of this option to purchase agreement, the city will also receive a land lease to expand its parking area adjacent to the library.

ACTION REQUESTED

1. Resolution approving a special capital appropriation in the amount of \$460,000 to fund the option to purchase agreement for 11 Belden Avenue property and authorizing the issuance of \$460,000 general obligation bonds of the city to meet said appropriation.



CITY OF NORWALK, DEPARTMENT OF FINANCE
Robert Barron, CPFO
Director of Finance
rbarron@norwalkct.org

P: 203-854-7870 / F: 203-854-7848

125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

MEMORANDUM

DATE: June 13, 2017

TO: Harry W. Rilling, Mayor
The Members of the Board of Estimate and Taxation
The Members of the Planning Commission
The Members of the Common Council

FROM: Robert Barron, Director of Finance

RE: **\$460,000 Special Capital Appropriation for the Option to Purchase Agreement for 11 Belden Avenue property**

The City of Norwalk's Corporation Counsel's office, on behalf of the City of Norwalk and the Norwalk Public Library Foundation, is requesting a special capital appropriation in the amount of \$460,000 for an option to purchase agreement for the 11 Belden Avenue property.

The agreement provides the city with an option to purchase the property for \$4,885,000 for a period of six years. In consideration of this option to purchase agreement, the city will also receive a land lease to expand its parking area adjacent to the library.

Finance recommends the approval of this request.

ACTION REQUESTED

1. Resolution approving a special capital appropriation in the amount of \$460,000 to fund the option to purchase agreement for 11 Belden Avenue property and authorizing the issuance of \$460,000 general obligation bonds of the city to meet said appropriation.

A RESOLUTION APPROPRIATING \$460,000 FOR THE OPTION TO
PURCHASE AGREEMENT FOR 11 BELDEN AVENUE PROPERTY
AND AUTHORIZING THE ISSUANCE OF \$460,000 GENERAL
OBLIGATION BONDS OF THE CITY TO MEET SAID
APPROPRIATION

RESOLVED:

Section 1. The sum of \$460,000 is hereby appropriated for the payment by the City of Norwalk, Connecticut (the "City") for the option to purchase agreement for 11 Belden Avenue property, as well as for administrative, legal, other professional service and financing costs related thereto (hereafter the "Project").

Section 2. To meet said appropriation, and as permitted by Section 7-374b of the General Statutes of Connecticut, as amended from time to time (the "Connecticut General Statutes"), \$460,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued. Said bonds may be issued and sold, subject to final approval by the Committee (as defined and described below) in one or more series as determined by the Director of Finance in an amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Projects, or the actual amounts thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other costs of issuance of such bonds. Subject to final approval by the Committee, the bonds of each series shall mature not later than the maximum maturity permitted by the Connecticut General Statutes, and may be issued subject to earlier redemption by the City. The bonds of each series shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor, Comptroller and the Director of Finance, bear the City seal or a facsimile thereof, be payable at a bank or trust company designated by the Director of Finance, be certified by such bank or trust company, which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Pullman & Comley, LLC, Attorneys at Law. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The Common Council hereby delegates to the Mayor and the Director of Finance, subject to the final approval of the President of the Common Council, the Majority Leader of the Common Council, the Minority Leader of the Common Council, and the Chairman of the Finance Committee of the Common Council, or any two of them (the "Committee"), the authority to determine the number of series to be issued, the principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, and other terms, details and particulars of such bonds including the rate or rates of interest payable thereon and the terms of any purchase agreement executed in connection with the sale of the bonds in a negotiated underwriting.

Section 3. Said bonds shall be sold by the Mayor and Director of Finance in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. If the bonds are sold by negotiation, the purchase agreement shall be signed by the Mayor and the Finance Director, subject to the final approval by the Committee. The Mayor and the Director of Finance are authorized to prepare and distribute preliminary and final Official Statements of the City for use in connection with the offering and sale of any bonds.

Section 4. The Mayor and the Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be in such denominations, bear interest at such rate or rates and be payable at such time or times as shall be determined

by the Mayor and the Director of Finance, be executed in the name of the City by the manual or facsimile signatures of the Mayor and the Director of Finance, have the City seal or a facsimile thereof affixed, be certified by a bank or trust company designated by the Director of Finance, and be approved as to their legality by Pullman & Comley LLC as bond counsel. Such notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the capital improvements for the financing of which said notes were issued. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the Director of Finance, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be subject to final approval by the Committee.

Section 6. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations ("Tax Exempt Obligations") authorized to be issued by the City. The Tax Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of Tax Exempt Obligations. The Director of Finance is authorized to amend such expression of official intent to bind the City pursuant to such changes he deems necessary or advisable to maintain the continued exemption from federal income taxation of interest on the Tax Exempt Obligations.

Section 7. The Mayor and Director of Finance are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The Mayor and Director of Finance are hereby authorized, on behalf of the City, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution. The Mayor is hereby authorized, on behalf of the City, to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project, to expend said funds in accordance with the terms hereof, and in connection therewith to contract in the name of the City with engineers, contractors and others.

**RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE
AND SALE OF UP TO \$30,000,000 CITY OF NORWALK GENERAL
OBLIGATION REFUNDING BONDS**

RESOLVED:

Section 1. A maximum amount of \$30,000,000 General Obligation Refunding Bonds (the "Refunding Bonds") of the City of Norwalk, Connecticut (the "City") may be issued and sold, subject to final approval by the Committee (as defined and described below), in one or more series, in such principal amounts, as the Mayor and the Director of Finance shall determine to be in the best interest of the City for the purpose of achieving net present value savings and/or to moderate debt service payments. The Refunding Bonds are hereby authorized to refund all or any portion of any one or more series of the City's outstanding General Obligation Bonds (the "Refunded Bonds"). Subject to final approval by the Committee, each series of Refunding Bonds shall mature in such amounts and on such date or dates as shall be determined by the Mayor and the Director of Finance, provided that no Refunding Bonds shall mature later than the final maturity date of the last maturity of any Refunded Bonds being refunded by such series. The Refunding Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor, the Comptroller, and the Director of Finance, bear the City seal or a facsimile thereof, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. The Refunding Bonds shall be general obligations of the City and each of the Refunding Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principle thereof and interest thereon. The net proceeds of the sale of the Refunding Bonds, after payment of the underwriter's discount and other costs of issuance, shall be deposited in an irrevocable escrow account in an amount sufficient to pay the principal of, interest and redemption premium, if any, due on the Refunded Bonds to maturity or earlier redemption pursuant to the plan of refunding. The Mayor and the Director of Finance are authorized to appoint an escrow agent and other professionals, including the certifying, paying, registrar and transfer agent for the Refunding Bonds, and to execute and deliver any and all escrow, investment and related agreements necessary to provide for any debt service or redemption payments on the Refunded Bonds and to provide for the transaction contemplated hereby. The Common Council hereby delegates to the Mayor and the Director of Finance, subject to the final approval of the President of the Common Council, the Majority Leader of the Common Council, the Minority Leader of the Common Council, and the Chairman of the Finance Committee of the Common Council, or any two of them (the "Committee"), the authority to determine the number of series to be issued, the principal amount of the Refunding Bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, and other terms, details and particulars of such Refunding Bonds including the rate or rates of interest payable thereon and the terms of any purchase agreement executed in connection with the sale of the Refunding Bonds in a negotiated underwriting.

Section 2. The Refunding Bonds shall be issued and sold either in a negotiated underwriting or a competitive offering, at such time or times as the Mayor and the Director of Finance shall determine to be the most opportune for the City. If sold in a competitive offering, the Refunding Bonds shall be sold at not less than par and accrued interest on the basis of the lowest

net or true interest cost to the City. If the Refunding Bonds are sold by negotiation, the purchase agreement shall be signed by the Mayor and the Finance Director, subject to the final approval of the Committee. The Mayor and the Director of Finance, are authorized to prepare and distribute preliminary and final Official Statements of the City for use in connection with the offering and sale of any Refunding Bonds, and they are hereby authorized to execute and deliver on behalf of the City, a continuing disclosure agreement, a tax regulatory agreement, agreements moderating interest rate fluctuation pursuant to Section 7-370b subject to final approval by the Committee, and such other agreements, instruments, documents and certificates necessary or desirable for the issuance of the Refunding Bonds and the debt service or redemption payments on the Refunded Bonds.

Section 3. This resolution shall be effective until December 31, 2017.

MEMORANDUM TO FILE

Date: May 8, 2017

From: Brian Candela

RE: Noise Ordinance requests for the May 16, 2017 committee meeting

- 1) Requested to revise the noise ordinance and make the following changes:
 - a. Draft language for a mixed use zone with a noise capacity of 45 dba
 - b. Draft language for a phase-in period
 - c. Draft language to make nighttime hours commence at 10:00 p.m.

See the requested revisions to the noise ordinance. Attached as Exhibit A.

In addition to the requests identified above, please note that Exhibit A includes the proposed revisions (red-line changes) to the noise ordinance that were made by Connecticut's Department of Energy & Environmental Protection.

2) Are the fines set in stone at \$250.00?

The only authority which I have found concerning municipal fines suggests that it cannot exceed \$250. However, there are municipalities that enact penalties which exceed the state statutes. Any amendment to the City of Norwalk's noise ordinance which increases the fines in excess of \$250 would have to be approved by the Department of Energy and Environmental Protection and could be challenged in court.

It is well recognized that a municipality only has powers that are expressly provided to it by the state. City Council of the City of West Haven v. Hall, 180 Conn. 243, 248 (1980) ("We have long recognized that as a creation of the state, a municipality has no inherent powers of its own ... the only powers a municipal corporation has are those which are expressly granted to it by the state.")

Connecticut General Statutes § 7-148 is entitled "Scope of Municipal Powers". Connecticut General Statutes § 7-148(c)(10)(A) allows the municipality to prescribe penalties that are not to exceed \$250.

Here is a summary of the penalties assigned for a violation of the noise ordinance by other municipalities:
Ansonia (17-18): (1) initial violation of \$25; (2) second violation of \$50; and (3) third violation of \$100.

Bridgeport (8.80.100): \$100 fine and each day such violation occurs or continues after the time for correction of the violation given in an order has elapsed shall constitute a separate violation.

Bristol (15-25): Initial fine is \$90. Each day a violation continues after the issuance of a noise ticket shall constitute a continuing violation, and the amount of the fine for the second day shall be \$200, shall increase to \$400 for the third day and shall remain a \$400 fine for each and every day said violation continues thereafter.

Danbury (12-14(h)): \$25 for the first violation, \$50 for a subsequent violation occurring within 30 days of the first violation and \$75 for any subsequent violation occurring within 30 days of any previous violation not including the first violation.

Darien (38-51): Any person found in violation of the provision of this section shall be fined in an amount not to exceed Connecticut General Statutes § 7-148(c)(10)(A).

East Haven (12-55): Initial fine is \$55. In the case of continuing conduct, each 30 minute period after the initial violation shall constitute a separate violation. If another violation occurs in a 12 month period, the fine is increased to \$75.

Enfield (38-108): Initial violation is allowed a 2 week grace period to correct. Any violations occurring after the grace period totals \$50.

Greenwich (6B-10): Initial offense is a warning. Second offense is \$100 and each subsequent offense is \$249.

Hartford (23-8): \$90 fine or up to 25 days in jail.

New Haven (18-82): Any person in violation of this article shall be fined the maximum amount allowed by state statute. Each day such violation continues shall constitute a separate violation.

New London (14-75): Fine is limited to a range (\$10 - \$100).

Portland (12-46): Initial fine is \$50. Each day the violation continues after the time for correction shall constitute a continuing violation and the amount shall be doubled for each day. The maximum fine is \$400.

Seymour (8-61): Initial violation shall be fined in an amount of \$100. Each day the violation continues after the time for correction shall constitute a continuing violation and the amount shall be doubled for each day. The maximum fine is \$400.

Shelton (7-50): Any person found in violation of the provision of this section shall be fined in an amount not to exceed Connecticut General Statutes § 7-148(c)(10)(A).

South Windsor (50-62): The fine will not exceed \$99.

Stamford (164-10): Each violation totals \$90.

Trumbull (13-55): First offense is \$75 and each subsequent offense is \$100.

Waterford (9,08,090): Fine cannot exceed \$100.

Watertown (12-39): Fines are not to exceed the maximum permitted by the Connecticut General Statutes.

Westbrook (12-10): Initial fine is \$25. Each day such violation continues after the time for correction has expired shall constitute a continuing violation and the amount of the fine shall be doubled. However, the maximum fine shall not exceed \$400.

Westport (42-21): Fine is not to exceed \$99.

3) Obtain fee schedules and proposals for a noise consultant.

Brooks Acoustics proposal is attached as Exhibit B.
Eric Zwerling's proposal is attached as Exhibit C.

4) Can you use blight enforcement to impact the noise ordinance?

Numerous state laws authorize municipalities to regulate and address blighted properties. These statutes give municipalities the general authority to regulate and secure buildings, structures and businesses to promote health, safety, and welfare. Connecticut General Statutes § 7-148. Municipalities may address blight through their local health or building officials or fire marshal, in cases where the blighted conditions violate public health, building, or fire safety codes. The law authorizes municipalities to adopt and enforce blight ordinances, fine owners for violating these ordinances, impose liens and levy special assessments to recover unpaid fines and remediation costs. Connecticut General Statutes § 7-148(c)(7)(H)(xv); Connecticut General Statutes § 7-148aa, Connecticut General Statutes § 7-148ff, Connecticut General Statutes § 49-73b and Connecticut General Statutes § 47a-53.

Connecticut General Statutes § 19a-343 is entitled State action to abate public nuisance. Offenses. Connecticut General Statutes § 19a-343(c) states that “the issuance of three or more citations for a violation of a municipal ordinance as described in subsection (14) of this section, for the following offenses shall constitute the basis for bringing an action to abate a public nuisance ... (14) [v]iolation of a municipal ordinance resulting in the issuance of a citation for (A) excessive noise on nonresidential real property that significantly impacts the surrounding area, provided the municipality’s excessive noise ordinance is based on an objective standard.”

Chapter 58A of the Norwalk City Code is entitled Blight Prevention. Blight is defined as “(A) any condition which poses a serious or immediate danger to the health or safety of any citizenship of the community ... (E) [p]roperty has been cited for more than two code violations in the past which have not been corrected and are not subject of a pending appeal.” A code violation is defined as a violation of any zoning regulation, building code, public health code and fire code.

Pursuant to Connecticut General Statutes § 19a-343, it appears that Norwalk could use blight enforcement to regulate and/or impact the noise ordinance. However, while it appears that Norwalk can utilize this enforcement method to regulate the noise ordinance, it also seems that this might not be the most efficient means of enforcement. Allowing multiple departments to impact the noise ordinance might lead to conflicting decisions by those departments. Currently the health department has the sole power in enforcement proceedings in Chapter 68 (Noise) and also has the expertise to understand the impact that noise can have on the public.

5) Can you prevent a renewal of health license if there are a certain number of violations of the noise ordinance?

Municipalities have the authority to prohibit nuisances. Connecticut General Statutes § 7-148 authorized municipalities to: (1) prohibit and abate nuisances, including activities harmful to inhabitants’ health, morals, safety, convenience and welfare; (2) preserve the public peace and good order, prevent and quell disorderly assemblages, and prevent disturbing noises; and (3) keep streets, sidewalks, and public places free from undue noise and nuisances.

Connecticut General Statutes § 19a-206 is entitled Duties of municipal directors of health. This statute empowers municipal health directors and requires them to preserve the public health. It also provides them with the ability to levy fines and penalties as well as rescind licenses and/or permits.

Chapter 57 of the Norwalk City Code establishes a health department which is responsible for administering/enforcing health laws and investigating complaints of nuisances and conditions affecting the security of life and health in the city. The board of health shall have all the powers necessary for the promotion

and preservation of the general health of the inhabitants of Norwalk and for the suppression and prevention of nuisances which may be deemed detrimental to the general health. Chapter 68-10(B) provides the health department with the power to implement enforcement proceedings, such as an injunction or other appropriate remedies. These enforcement proceedings are not limited by any fines that might be levied in Chapter 68-10(A). Tomasso Bros., Inc. v. October Twenty-Four, Inc., 230 Conn. 641, 649 (1994) (Supreme Court has recognized production of noise to the detriment of one's neighbor as a continuing nuisance that may be subject to injunction). Maykut v. Plasko, 170 Conn. 310, 311 (1976) (while the defendants' use of property is lawful in the zone in which it exists, it may nevertheless be found to constitute a nuisance: "that a municipality by its zoning regulations condones certain uses is no defense to an unreasonable use constituting a nuisance").

Currently the health department has the sole power in enforcement proceedings in Chapter 68 (Noise) and also has the expertise to understand the impact that noise can have on the public. Connecticut General Statutes § 19a-206 allows municipal health directors to levy fines, penalties and rescind licenses and/or permits.

6) Can you cut the amount of hours that an establishment can serve liquor due to a certain number of violations of the noise ordinance? Can you restrict a liquor permit?

Connecticut General Statutes § 30-55a(b) is entitled Suspension of permit for violation of noise standards. This section holds that "[w]hen any permit premises where alcoholic liquor is consumed on the premises emits noise, which when measured at a radius of two hundred feet from the premises, as described in the permittee's application for a liquor permit, exceeds the ambient noise standard for the land use classification for the location at which such measurement is made, as established by the Department of Energy and Environmental Protection pursuant to section 22a-69, the Department of Consumer Protection may suspend the permit to sell alcoholic liquor for three days for a first violation, five days for a second violation and fourteen days for any subsequent violation."

See also Nelseco Nav. Co. v. Department of Liquor Control, 226 Conn. 418 (1993) (the state's power and authority over the regulation of the liquor business is broad and pervasive ... the state's power is not limited to business hours or to the sale of liquor and the legislature intended to confer on the state the authority to police a wide range of matters related to the liquor business).

Pursuant to Connecticut General Statutes § 30-55a(b), it appears that Norwalk could suspend a permit to sell alcohol.

7) Who will enforce the noise ordinance? When will it be enforced?

Section 68-10 of the Norwalk Noise Ordinance is entitled Violations and Penalties. I have amended this section to add enforcement (found in section 68-10D).

Bridgeport: Section 8.80.130 (Enforcement) is enforced by the Police and Health Department.

Hamden: Section 7 (Enforcement & Penalties) is enforced by the Police.

Hartford: Section 23-7 (Enforcement) is enforced by the Police.

New Haven: Section 18-89 (Enforcement) is enforced by the Police and Health Department.

Stamford: Section 164-13 (Enforcement) is enforced by the Police and Health Department.

8) Can you revoke old permits with a new ordinance? Can you implement a geographic restriction on a noise ordinance?

According to the Office of Legislative Research, noise control ordinances can be retroactive, just as emissions standards. Noise control ordinances are viewed as ways of dealing with pollution. However, I could not locate a test case where a court upheld a retroactive ordinance. The Connecticut Conference of Municipalities could not provide any additional evidence either.

The common law of most states recognize that a property owner may acquire a vested interest in certain development or use of property. A common law vested right has been determined by most states to vest the property owner against changes in land-use regulations where the property owner has relied in a good faith on governmental actions tending to support or affirm the property owner's expected use of his/her property. A vested right to use private property is a right that is immune to the governmental exercise of its police power. The vested right concept is a part of the balancing of the respective legitimate interests of the private property owner against those of the general public. Most jurisdictions have recognized common law vested rights in the following five circumstances:

- a) Property owner in good faith has made substantial expenditures in expectation of a particular use of the property;
- b) Where local government has approved a particular plan of development;
- c) Site-specific rezoning may also vest a property owner's rights in the underlying uses permitted by the site-specific zoning;
- d) Approval of phased projects or planned developments; and
- e) Issuance of building permits.

Typically one or more of these five factors is present where a court determines that rights have vested against local governmental regulatory change. Although not strictly a common law vested right, it should be noted that the pending ordinance doctrine adopted by some states provides for vesting in some circumstances despite proposed regulatory changes. In those states adhering to the pending ordinance doctrine, the general rule is that for a property owner to vest rights under regulations existing at the time of an application, the application must be determined complete, there must be no pending regulatory changes of which the property owner is aware, or should be aware, and the application must be submitted in good faith. It should be noted that I have not been able to locate a decision in Connecticut that discusses the pending ordinance doctrine.

In Husti v. Zuckerman Property Enterprises, 199 Conn. 575 (1986), the Connecticut Supreme Court upheld a Shelton zoning regulation banning outdoor concerts and theatrical performances in residential zones in order to confine this activity to "sections of the city that are well suited to accommodate the secondary effects of such activities." Id. at 581. The court stated that it had "held on numerous occasions that zoning restrictions, so far as they reasonably promote public health, safety, and welfare without depriving landowners of all economically viable use of their property, are constitutional even though the effect of the restrictions may be to limit the exercise of private property rights." Id. at 580. This regulation withstood the constitutional challenges even though "[a]rguably the city could have chosen to address ... [threats to safety and tranquility] by limiting the decibel levels of concerts [or] limiting audience size ..." Id. at 584. "Any provision of a statute or ordinance abrogating such a [vested] right in an unreasonable manner, or in a manner not related to the public welfare, is invalid." Petruzzi v. Zoning Board of Appeals, 176 Conn. 479, 484 (1979); Lampasona v. Planning and Zoning Commission of North Stonington, 6 Conn. App. 237, 239 (1986).

While Norwalk can pass a retroactive noise ordinance, it is likely that an aggrieved landowner would assert that his/her property was grandfathered in under the prior ordinance section and has therefore obtained a vested property right. In response, Norwalk would argue that the value of a retroactive noise ordinance is for the health and safety of the entire community. It is anticipated that a retroactive noise ordinance would lead to

potential future litigation. A court, hearing such as a lawsuit, would most likely utilize a balancing test between the aggrieved landowner and the general public.

It might be problematic for Norwalk to implement a geographic restriction on a potential updated noise ordinance because the logical basis for it is to protect the health and safety of the entire community, not just a specific area.

9) Issues concerning outdoor noise.

Municipalities can regulate outdoor entertainment by virtue of their authority to prohibit nuisances. Connecticut General Statutes § 7-148 authorized municipalities to: (1) prohibit and abate nuisances, including activities harmful to inhabitants' health, morals, safety, convenience and welfare; (2) preserve the public peace and good order, prevent and quell disorderly assemblages, and prevent disturbing noises; and (3) keep streets, sidewalks, and public places free from undue noise and nuisances. Outdoor entertainment may constitute a private nuisance, thus subjecting it to municipal regulation, when it unreasonably interferes with neighbors' use and enjoyment of their homes. In Esposito v. New Britain Baseball Club, 49 Conn. Sup. 509 (2005), the Superior Court held that nearly biweekly fireworks displays at the conclusion of minor league baseball games constituted a private nuisance. The court held that "the severity of the interference ... outweighs the benefits of the interfering use which is, fundamentally, a profit making enterprise that provides entertainment. While the court recognizes and applauds the social utility of that business to the city, it is not sufficient to justify the extent to which these individual plaintiffs have suffered and will suffer." Id. at 526.

Connecticut courts have also upheld zoning regulations that restrict certain activities that affect residents' health, welfare, or safety. In Husti v. Zuckerman Property Enterprises, 199 Conn. 575 (1986), the Connecticut Supreme Court upheld a Shelton zoning regulation banning outdoor concerts and theatrical performances in residential zones in order to confine this activity to "sections of the city that are well suited to accommodate the secondary effects of such activities." Id. at 581. The court stated that it had "held on numerous occasions that zoning restrictions, so far as they reasonably promote public health, safety, and welfare without depriving landowners of all economically viable use of their property, are constitutional even though the effect of the restrictions may be to limit the exercise of private property rights." Id. at 580. This regulation withstood the constitutional challenges even though "[a]rguably the city could have chosen to address ... [threats to safety and tranquility] by limiting the decibel levels of concerts [or] limiting audience size ..." Id. at 584. The U.S. Supreme Court dismissed this appeal for want of a substantial federal question. See also Town of Woodbury v. Taylor, Superior Court, judicial district of Waterbury, 1993 WL 544630, *6 (1993) ("the presentation of concert performances ... in a residential neighborhood would threaten the quality of life and safety of the inhabitants of the neighborhood by causing noise, attracting large crowds and creating large amounts of traffic on residential rural roads unless controlled by the appropriate municipal agency which in this case is the Woodbury Zoning Commission.")

Candela, Brian

From: noiseconsultancy@aol.com
Sent: Wednesday, May 03, 2017 10:32 AM
To: Candela, Brian
Cc: Melendez, EloisaM
Subject: Acoustical Consulting Services Proposal - Norwalk Noise Code
Attachments: Norwalk - Noise Code - 2017.pdf

Dear Mr. Candela,

Attached please find my proposal to provide the acoustical consulting services that you have requested.

I look forward to the possibility of assisting you in protecting and improving the quality of life for the residents of Norwalk.

Be well.

Eric

Eric Zwierling, M.S., INCE, ASA

President, The Noise Consultancy, LLC
Office (908) 237-0298

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

Cell (732) 266-1762

-----Original Message-----

From: Candela, Brian <bcandela@norwalkct.org>
To: Eric Zwierling <zwierling@envsci.rutgers.edu>
Cc: Melendez, EloisaM <eloisa.melendez@hotmail.com>; noiseconsultancy <noiseconsultancy@aol.com>; Candela, Brian <bcandela@norwalkct.org>
Sent: Thu, Apr 27, 2017 5:51 pm
Subject: RE: Rutgers Noise Technical Assistance Center

Dear Eric. I apologize for the delay, but I have been on trial the last two weeks and it is still going on. I will be in the office tomorrow morning at 8:30 a.m. and I will be leaving at 9:15 a.m. I am available during that time to discuss Norwalk's noise ordinance with you.

Brian Candela

From: Eric Zwierling [mailto:zwierling@envsci.rutgers.edu]
Sent: Tuesday, April 25, 2017 11:43 AM
To: Candela, Brian <bcandela@norwalkct.org>
Cc: Melendez, EloisaM <eloisa.melendez@hotmail.com>; noiseconsultancy@aol.com
Subject: Re: Rutgers Noise Technical Assistance Center

Dear Brian,

I'd like the opportunity to talk a bit prior to preparing a proposal. I tried to call but got your voice mail.

I want to discuss Norwalk's code, jurisdictional will, the extent of the services you desire, and the distinction between the services I provide at Rutgers University and as a private consultant

Please call me on my cell phone when it's convenient, or let me know when you'll be available.

Be well.

Eric

Director, Rutgers University Noise Technical Assistance Center
Office (848) 932-5782

President, The Noise Consultancy, LLC
Office (908) 237-0298

Cell (732) 266-1762

From: Candela, Brian <bcandela@norwalkct.org>
Sent: Monday, April 24, 2017 11:14:15 AM
To: Eric Zwerling
Cc: Candela, Brian; Melendez, EloisaM
Subject: Rutgers Noise Technical Assistance Center

Mr. Zwerling:

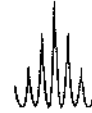
The City of Norwalk is looking to revise and amend its' entire noise ordinance. We are looking for assistance in research and consultation as well as in the drafting of the noise ordinance. We are looking for a proposal, or price quote, to determine if your center can assist us in this endeavor. In addition to an approximate cost, we are also seeking a timeline when the Rutgers Noise Technical Assistance Center might be able to complete this project. Please reach out this week, if possible, to advise if your center is interested in this matter.

I would like to present your proposal to the ordinance committee at our next meeting for their consideration. Therefore, if interested, please provide me with your proposal no later than May 5, 2017. Thank you for your assistance and call me if you have any questions or concerns.

Brian Candela, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822



THE NOISE CONSULTANCY

(908) 237-0298

noiseconsultancy@aol.com

www.noiseconsultancy.com

SENT VIA EMAIL

May 3, 2017

Brian Candela, Esq.
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851

Dear Mr. Candela,

This letter is in response to your request for a proposal to assist you in amending Norwalk's Noise Code at Chapter 68, as we discussed on the phone yesterday. I've reviewed Chapter 68 and can see where its application could present practical difficulties.

As I noted in our phone conversation, in my capacity as President of the Noise Consultancy, I've assisted jurisdictions across the breadth of the US to amend or rewrite their noise ordinances. Please review my resume for a list of clients. I have also served as an expert witness in courts from New Orleans to New York City, including Federal Court.

In my capacity as Director of the Rutgers University Noise Technical Assistance Center, in the past 26 years I've trained maybe 8,000 noise enforcement investigators throughout the country from Alaska to Florida, as well as internationally. Thus, I am well aware of the capabilities of field enforcement officers.

Based upon our conversation, I will propose two approaches to offering my consulting services: as an hourly rate or as a comprehensive lump sum. Your decision may be based upon the extent of the services you desire.

HOURLY RATE: I can provide my services on an hourly basis, if you desire to perform much of the work in-house, with my assistance in reviewing that work. The rate for my services is \$220/hour, and travel is invoiced at \$165/hour. On-site consultation will be invoiced at \$1,800/day, plus travel.

INCLUSIVE PROPOSAL:

- One day of on-site consultation, scheduled at a mutually convenient date;
- Present an educational seminar on the basics of sound as it applies to noise regulation including: the various approaches to noise ordinances (i.e., nuisance ordinances v. performance ordinances) and the practical benefit/drawbacks to each approach, followed by an open discussion to determine the specific desires of Norwalk regarding what the jurisdiction desires to regulate or exempt from the ordinance;

- Tour the jurisdiction, specifically the problem areas;
- Conduct sound level measurements of problem sources &/or conduct a demonstration of the methodology of sound level measurement for enforcement purposes;
- Review whatever relevant documents are provided by the City of Norwalk;
- Draft a new or amended Noise Ordinance, as appropriate, based upon all information gathered;
- Perform whatever redrafting is necessary, until the new or amended Ordinance is adopted, or declared legislatively dead;
- Remain available for consultation via phone or e-mail.

The inclusive price for these services is \$9,500. Expenses are additional, and would include, if necessary, a hotel.

Additional days of consecutive on-site consultation will be invoiced at \$1,400/day plus expenses. Additional days of non-consecutive on-site consultation will be invoiced at \$1,800/day plus travel time and expenses.

If Norwalk desires training for your investigators, I will submit a separate proposal from the Rutgers University Noise Technical Assistance Center for such services.

If you have any questions whatever regarding this proposal, please don't hesitate to call me.

I look forward to the possibility of working with the City of Norwalk, and assisting you in your effort to deliver a better quality of life to your residents.

Sincerely,



Eric M. Zwerling, M.S., INCE, ASA
President

ERIC M. ZWERLING, M.S., INCE, ASA

Rutgers University Noise Technical Assistance Center
14 College Farm Road
New Brunswick, NJ 08901

The Noise Consultancy, LLC
309 Van Neste Rd
Flemington, NJ 08822

CURRENT POSITIONS

- 1991-Present *Director* - Noise Technical Assistance Center
Department of Environmental Sciences
Rutgers - The State University of New Jersey
- 1999-Present *President* - The Noise Consultancy, LLC
Noise Consultant/ Expert Witness (Since 1992)
[Expert for the Defendants, City of New York Law Department
-in- Robert Tutley, *et al.*, - against- Rudolph Giuliani, *et al.*,]
- 1993-Present *Noise Enforcement Expert* - New Jersey Department of Environmental
Protection. Contracted (as Director of the RNTAC) to provide technical expertise
- on noise related issues to the NJDEP and the State of New Jersey
- 1998-Present *Instructor* - "Noise Hazards" in 'Fundamentals of Industrial Hygiene'.
University of Medicine and Dentistry of New Jersey, School of Public Health,
Office of Public Health Practice
- 1998-Present Committee Member - S12 Working Group 41, Model Community Noise
Ordinances. Acoustical Society of America
- 2001-Present Committee Member - Technical Study Group on Community Noise
Institute of Noise Control Engineering
- 1994-Present *Instructor* - "Community Noise" in 'Environment and Public Health Course,'
Rutgers Continuing Education Program, Cook College Office of Continuing
Professional Education.
- 1992-2005 *Adjunct Professor*- Rutgers University Department of Environmental
Sciences. Course: 375:336 'Community and Occupational Noise'
- 1998-2000 Commissioner - Franklin Township (NJ) Environmental Commission
- 2010-Present Board of Education, Chair - Green Committee
Readington Township, New Jersey

PROFESSIONAL AFFILIATIONS

- Member - Acoustical Society of America
Member - Institute of Noise Control Engineering

EDUCATION

ABD Ph.D. Candidate
Rutgers - the State University of New Jersey
Department of Environmental Sciences

Occupational Hearing Conservationist
Council for Accreditation in Occupational Hearing Conservation.

Graduate Certificate in Environmental Ethics -
Department of Philosophy, University of Georgia.

B.S., M.S. University of Georgia.

JURISDICTIONAL CERTIFICATIONS

Approved Noise Control Investigator
New Jersey Department of Environmental Protection
Pursuant to N.J.A.C. 7:29 -2.11(a)3

Approved Noise Consultant
New York City Department of Environmental Protection
Pursuant to N.Y.C.A.C. Section 24-231

Approved Instructor
State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

AWARDS

- 1997 *Advisor of the Year Award*
Rutgers College Student Activities Advisory Council
Faculty Advisor - Students for Environmental Awareness
- 2016 *Sustainable Raritan Award*
Outstanding Achievement in Public Education
Sustainable Raritan River Collaborative and Rutgers' Sustainable Raritan River Initiative

PUBLICATIONS

Zwerling, E.M. 2015. Proposed Noise Standard for Wind Turbine Generators on Farms.
State Agriculture Development Committee, New Jersey Department of Agriculture.

Zwerling, E.M., A. Myers, C. Shamoon. 2012. Analysis of the "Plainly Audible" Standard for Noise Ordinances. Proceedings of Inter- Noise 2012. Institute of Noise Control Engineering.

Zwerling, E.M., C. Shamoon. 2010. Proactive Regulation Engenders Creative Innovation - Quieting the Jackhammer. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Szulecki, S., E. Zwierling, C. Anderson, B. Turpin. 2010. Modeling with CadnaA to estimate the probability of awakening associated with train horns. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Zwierling, E.M., C. Anderson, S. Szulecki, F. Maimone, B. Turpin. 2009. Study of Train Noise in Teaneck, NJ. USEPA Agreement Number: X-83245701-0

Zwierling, E.M. 2005. Regulatory Scheme For Noise Enforcement In New Jersey . *Invited paper*. Journal of the Acoustical Society of America.V.118, No. 3, Pt 2 of 2, Sept. 2005, p. 1849.

Zwierling, E.M. 2004. Training as a Critical Component of Successful Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2568.

Zwierling, E.M. 2004. Noise Enforcement in Cities. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2593.

Zwierling, E.M. 2002. Characteristics of Successful Local Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.112, No. 5, Pt 2 of 2, Nov. 2002, p. 2375.

Zwierling, E.M. 2002. Boom Car and Boom Box Code Drafting. The Quiet Zone. Spring 2002.

Zwierling, E.M. 2002. Hearing Protection. In *Encyclopedia of Public Health*, ed. Lester Breslow. Macmillan Reference USA.

Zwierling, E.M. 2001. Vehicle Enforcement. Rutgers Noise Technical Assistance Center. Developed for North Salem, NY

Zwierling, E.M. 2000. Regulation of Amplified Sound Sources. Proceedings of Noise-Con 2000. Acoustical Society of America / Institute of Noise Control Engineering. Newport Beach , CA. December 3-5, 2000 .

Zwierling, E.M. 2000. State of Michigan Model Noise Ordinance. Proceedings of Michigan Municipal League Annual Convention/ Michigan Association of Municipal Attorneys Annual Meeting. September 28-30, 2000 , Macinac Island , MI .

Zwierling, E. M. Contributing Editor. 1991-Present. Community Noise Enforcement. Rutgers Noise Technical Assistance Center.

Zwierling, E. M. Contributing Editor. 1998. Vehicle Sound Reproduction Enforcement. Rutgers Noise Technical Assistance Center. Developed for the City of Rochester, New York

Zwierling, E.M. 1997. Community Noise Enforcement: A Mature Technology. Hearing Rehabilitation Quarterly. 22:4, 4-8+.

Zwierling, E.M., D. Pinto, P. Hanna, J. Lepis, B. Turpin. 1997. Local Noise Enforcement Options and Model Noise Ordinance *With Pre-Approved Language for the State of New Jersey* . Rutgers Cooperative Extension Publication #E215.

Zwierling, E.M. 1997. Community Noise Infosheet. Environmental and Occupational Health Sciences Institute. Public Education and Risk Communication Division.

Zwerling, E.M. 1996. Turning Down the Volume: Effective Strategies for Community Noise Enforcement. *The Police Chief*, V. 63, Dec. 53-59.

Zwerling, E. M. & B. J. Turpin. 1996. Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. *Proceedings of Noise-Con 96, The 1996 National Conference on Noise Control Engineering*, 955-960.

Zwerling, E.M. 1996. Community Noise Pollution Certification and Assistance. Home page for Rutgers Noise Technical Assistance Center. <http://www.envsci.rutgers.edu/org/ntnac/>

RESEARCH PROJECTS (at Rutgers University, as P.I. or Co-P.I.)

"Assistance Regarding Noise Standards for Wind Turbines on Farms," Granting Agency: New Jersey State Agricultural Development Commission (SADC), 2011 - 2015.

"Assistance Regarding Noise Standards for Photovoltaic Installations on Farms," for New Jersey State Agricultural Development Commission (SADC), 2010.

"Railroad Noise in Teaneck, New Jersey" Granting Agency: United States Environmental Protection Agency, 2005 - 2009.

"Road Noise Educational Outreach Program," Granting Agency: New Jersey Department of Transportation, 2002.

CONFERENCE PRESENTATIONS

Community Noise Control: Reviving a Moribund Program or Creating One Anew. *International Code Council 2013 Conference*, Atlantic City, NJ, September 30, 2013.

Emerging Noise Issues: Emergency Generators and Beach Bars. *Invited Presentation*, New Jersey Environmental Health Association Annual Public Health Conference, Atlantic City, NJ March 5, 2013.

Must we regulate civility? Yes, unfortunately. But, is it effective? *Invited lecture*, stillspotting () nyc . Guggenheim Museum, New York City. October 9, 2012.

Analysis of the "Plainly Audible" Standard for Noise Ordinances. *Proceedings of Inter- Noise 2012*, Institute of Noise Control Engineering, August 22, 2012.

Proactive Regulation Engenders Creative Innovation - Quietening the Jackhammer. *Invited Paper*, *Proceedings of Noise-Con 2010*, Institute of Noise Control Engineering, Baltimore, MD, April 20, 2010.

Environmental Health and Noise: Issues and Answers. *Invited Presentation*, New Jersey Environmental Health Association Annual Public Health Conference, Atlantic City, NJ March 3, 2008.

Noise Primer For Legal Professionals. *Invited Presentation*, New York State Bar Association Environmental Law Section Fall Meeting, Saratoga Springs, New York, October 13, 2007.

How to Control Noise Pollution in Your Community. *Invited Presentation*. 90th Annual Conference - New Jersey State League of Municipalities. Atlantic City , NJ November 15, 2005.

Regulatory Scheme for Noise Enforcement in New Jersey . *Invited Paper*. 150th Meeting - Acoustical Society of America . Minneapolis , MN October 17-21, 2005.

Noise Enforcement in Cities. *Invited Paper*. 147th Meeting - Acoustical Society of America , New York , New York May 24-28, 2004.

Training as a Critical Component of Successful Noise Enforcement Programs. *Invited Paper*. 147th Meeting - Acoustical Society of America . New York , New York May 24-28, 2004.

Community Noise Impacts. *Invited Presentation*. Topics in Public Health. New Jersey Department of Health and Senior Services. April 16, 2003.

Characteristics of Successful Local Noise Enforcement Programs. *Invited Paper*. First Pan-American/Iberian Meeting on Acoustics. Jointly Sponsored: Acoustical Society of America , the Iberoamerican Federation of Acoustics and the Mexican Institute of Acoustics. Cancun , Mexico .Dec 2-6, 2002.

Community-Based Environmental Noise Management, *Invited Panelist*; The Role of State and Local Governmental Agencies in Noise Abatement and Control, *Invited Panelist*. Inter-Noise 2002, The 2002 International Congress and Exposition on Noise Control Engineering. Dearborn , MI Aug. 19-21, 2002.

Community Noise Regulation and Enforcement: Theory and Practice. American Association of Code Enforcement. 4th Semi-Annual Education Conference. Bowie , MD. May 1-3, 2002.

Regulation of Amplified Sound Sources. Noise-Con 2000, Acoustical Society of America/Institute of Noise Control Engineering. Newport Beach , CA. December 3-5, 2000.

Writing and Enforcing a Noise Ordinance. Michigan Municipal League Annual Convention. Nuts and Bolts of Writing a Noise Ordinance. Michigan Association of Municipal Attorneys Annual Conference. Macinac Island , MI , September 28-30, 2000.

Municipal Noise Regulation - Theory and Practice. International Municipal Lawyers Association, Mid-Year Seminar. Washington , D.C. April 9-11, 2000.

Effective Strategies for Community Noise Enforcement:

Michigan Municipal League 9th Annual Education Conference. Mt. Pleasant, MI.
March 11, 1998.

The Association of Towns of the State of New York , Annual Meeting,
Educational Training Courses. New York City , February 16, 1998 .

American Association of Code Enforcement 8th Annual Business and Educational
Conference. Hagerstown , MD , October 20-25, 1997.

Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. Noise-Con '96, The 1996 National Conference on Noise Control Engineering, Seattle, WA, September 29-October 2, 1996.

NOISE ENFORCEMENT CERTIFICATION COURSES TAUGHT

Community Noise Enforcement
Vehicular Noise Enforcement
Vehicle Sound Reproduction Enforcement
Motor Sports Ordinance Enforcement
Octave Band Analysis for Enforcement Purposes

New Jersey :

Certification and recertification - every three months, 1991 to present.

On-Site:

New Rochelle, NY; Jacksonville, FL (four times); Long Beach, NY (three times); Everett, WA; St. Augustine, FL (three times); Seattle, WA (twice); Neptune Beach, FL; Gainesville, FL; Anchorage, AK (twice); Binghamton, NY (twice); Washington State Association of Code Enforcement (three times); Ft. Collins, CO; Shelter Island, NY (four times); New York City, NY [NYC DEP, NYPD, NYC Parks, NYC DDOC] (eight times); Rochester, NY; Newport, RI; Plattekill, NY; Traverse City, MI; DeKalb County, GA (four times); Twinsburg, OH; Sandusky, OH; North Salem, NY; Honolulu, HI; Lafayette, LA (twice); Philadelphia, PA (twice); Barbados, West Indies (twice); Collier County, FL (three times); Walton County, FL (three times); Greenville County (SC); Vancouver B.C. (three times); Panama City Beach, FL (twice); Matanuska-Susitna Borough, AK; Union, OH; Ithaca, NY

ON-SITE ORDINANCE DEVELOPMENT WORKSHOPS

Lafayette, LA; Traverse City, MI; Plattekill, NY; St. Augustine, FL; Charleston County, SC; Lansing, MI; DeKalb County, GA; Walton County, FL; Overland Park, KS; Greenville County, SC; Decatur, AL; Yonkers, NY; Ossining, NY; Newport RI; Monroe County, FL; Fort Lauderdale, FL; Panama City Beach, FL

PARTIAL LIST OF CLIENTS

City of New York Law Department; City of Philadelphia Law Department, Environmental & Regulatory Compliance Division; U. S. State Department; City of New York Police Department; Bergen County (NJ) Utilities Authority; New York City Department of Environmental Protection; New York State Office of Attorney General; McDonald's Corporation, Lafayette (LA) Consolidated Government; McGlinchey Stafford (New Orleans); Gaeta Recycling, Inc.; National Ecology; Browning Ferris Industries; Township of Manalapan (NJ); Kansas State Legislature; Readington Township (NJ); City of Lansing (MI); City of Tacoma (WA); City of St. Augustine (FL); Atlantic Development and Management Corp.; CareMatrix Corporation; County of Charleston (SC); DeKalb County (GA); Greenville County (SC); Ethicon, Inc.; City of Yonkers (NY); Walton County (FL); City of Overland Park (KS); City of Newport (RI); City of Ossining (NY); Franklin Township (NJ); Alliance to Save Southern Ulster's Rural Environment; Roche Molecular Systems; Wheelabrator, Inc.; Monroe County (FL); City of Juneau (AK); Township of Branchburg (NJ); City of Eugene (OR); Union County United (PA); City of Fort Lauderdale (FL); City of Panama City Beach (FL); Stop & Shop Supermarket Company; Track Racket (Millville, NJ); Green Lawn Cemetery (Columbus, OH); Nissan Motor Company, Ltd.; City of Union (OH); City of Ithaca (NY); SA Engineering; Upper Deerfield Township (NJ)

MEMORANDUM TO FILE

Date: June 5, 2017

From: Brian Candela

RE: Noise Ordinance requests for the June 20, 2017 committee meeting

- 1) Contact Bennett Brooks and Eric Zwerling to obtain the following:
 - a. Get contact information for references; and
 - b. Follow up with references.

Eric Zwerling: All emails and attachment are affixed hereto as Exhibit A.

- 1) I sent an email on May 19, 2017 at 10:57 a.m. to Eric Zwerling requesting additional information.
- 2) I spoke with Mr. Zwerling on May 30, 2017 about this additional information and then sent a summary of the conversation to the ordinance committee.

May 30, 2017

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance. I have spoken at length with Eric Zwerling concerning the questions that you posed at the end of the last meeting. In response to your questions, Mr. Zwerling stated the following:

- 1) Noise services in Connecticut: I do not believe that I have done a noise code in Connecticut. However, I have written codes all over the United States and am familiar with the problems that Norwalk faces in revising the noise ordinance.
- 2) Mixed use zones: Every jurisdiction has mixed use zones. It is not unique. Any noise code is a function of jurisdictional will. It can be as strict or permissive as Norwalk would like it to be. I offer options and explain what the consequences of that option would be in a given situation. If you write a successful noise code then you will anger people on both sides. However, it must be objective and clear as this helps the investigator who enforce it.
- 3) I recommend obtaining as much participation from as many parties as possible when redrafting the code. Get them involved. In addition, it is important to designate a few people or agencies to enforce the noise code because without enforcement, the code means nothing.
- 4) He has worked with Charles Shamoon, Esq. and other municipal attorneys all over the United States. Please note that I will reach out to Attorney Shamoon and obtain his thoughts about working with Mr. Zwerling as well.
- 5) Mr. Zwerling has a busy July 2017, but he would be able to get to the Norwalk noise code before the end of this summer

I have also received an email (with attachment) from Bennett Brooks on May 26, 2017 at 7:00 p.m. I have enclosed the attachment from Bennett Brooks for your review. I will reach out to the contact people that he provided from the Connecticut municipalities. Once I hear back from them, I will provide you with a further update.

- 3) I spoke with Attorney Shamoon on May 31, 2017 about Mr. Zwerling. Following our conversation, I sent an email to the ordinance committee summarizing it. A copy of the case mentioned in the email below is attached.

May 31, 2017

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance. As requested, I have reached out and spoken to Charles Shamoon, Esq. concerning Eric Zwerling.

Attorney Shamoon advised that he worked with Mr. Zwerling over the years and found him to be professional, very technical and able to explain complicated subjects in a simple fashion. He provided me with a copy of a case that they were both involved in some time ago (February 2000). If you would like to review the case, I have attached a copy of it for your review. Although Mr. Zwerling has not provided any documentation that he has worked in Connecticut, Attorney Shamoon advised that he has been retained all over the United States and has a vast amount of experience. Attorney Shamoon was not able to answer any questions I had concerning Mr. Zwerling's experience with mixed use zones.

Please note that I am still waiting to hear back from Tim O'Neil, Esq. (counsel for Manchester) concerning his experience with Bennett Brooks.

Bennett Brooks: All emails and attachment are affixed hereto as Exhibit B.

- 1) I sent an email on May 19, 2017 at 10:49 a.m. to Bennett Brooks requesting additional information.
- 2) Mr. Brooks responded with an email on May 26, 2017 about this additional information. Mr. Brooks attached a letter to his email which provided the contact information for references. A copy of the letter Mr. Brooks attached to this email.
- 3) I spoke with some of the references on May 30, 2017 and May 31, 2017 about Mr. Brooks. Following our conversation, I sent emails to the ordinance committee summarizing these conversations.

May 30, 2017 email:

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance. As requested, I have reached out and spoken to several references from Cromwell, Enfield, Tolland and Manchester concerning Bennett Brooks.

I initially spoke with Maria Elsdon, Esq. of Enfield. Even though the work which Mr. Brooks performed for Enfield took place in 1998, she recalled that he was vital in fashioning a noise ordinance for the town. In addition, she recalled him to be very helpful, knowledgeable, that he presented well and was able to explain complicated subjects in a simple manner. She indicated that she would recommend Mr. Brooks to the City of Norwalk. Attorney Elsdon even provided Mr. Brooks' report and analysis of a newly installed crematorium and

the minutes from a council meeting concerning that structure. A copy of these documents are attached to this email for your review. For your convenience, please also find another copy of Bennett Brooks' responses to your questions for your review.

I also spoke with Steven Werbner, formerly the general manager of Manchester and the current manager in Tolland. Since the work took place some time ago, Mr. Werbner only could recall that Mr. Brooks was helpful. A current employee of the Manchester Health Department, Jeff Catlett, advised that while he was not present when the noise ordinance revisions were made, he was present when Mr. Brooks came back to perform a two-day training seminar based on the newly created noise code. Mr. Catlett recalled that he was knowledgeable, explained things well and that this noise ordinance is still currently in effect.

Finally, I also spoke with Mark Branse, Esq. of Cromwell. Attorney Branse said that Mr. Brooks does a great job and is his go-to-guy concerning noise related issues. He explained that Mr. Brooks helped Cromwell develop a comprehensive noise ordinance. Attorney Branse indicated that he would recommend Mr. Brooks to the City of Norwalk.

Please note that I am still waiting to hear back from Tim O'Neil, Esq. (counsel for Manchester).

May 31, 2017 email:

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance.

I spoke with Tim O'Neil, Esq. of Manchester concerning Bennett Brooks. Attorney O'Neil advised that Mr. Brooks helped them re-write Manchester's entire noise code. He recalled that it was a positive experience and that Mr. Brooks was knowledgeable and professional. Following the completion of this project, Mr. Brooks appeared at the council meeting to explain the revised noise ordinance. Attorney O'Neil did not recall dealing with any mixed use zoning issues during this particular project. He did indicate that Mr. Brooks would be his go-to-guy if he ever needed future assistance with Manchester's noise ordinance.

2) Fee schedules and proposals for a noise consultants

Another copy of Brooks Acoustics' proposal & Eric Zwerling's proposal are attached as Exhibit C.

Candela, Brian

From: Candela, Brian
Sent: Friday, May 19, 2017 10:57 AM
To: noiseconsultancy@aol.com
Cc: Candela, Brian
Subject: RE: Acoustical Consulting Services Proposal - Norwalk Noise Code

Importance: High

Good morning Eric. Before the ordinance committee makes a decision, they were looking for some additional information. First, please advise as to whether you have ever provided noise consulting services in Connecticut. If so, where? The ordinance committee would like the opportunity to speak with any past Connecticut clients in advance of making a decision. Second, please advise what experience you have with implementing noise ordinances in mixed use zones. Third, are land use, zoning, the building code and DEEP involved, at all, in this process? Fourth, have you ever dealt with implementing a noise ordinance in a city that has a similar size as Norwalk and with similar problems? I look forward to speaking with you about this matter in greater detail over the telephone.

The ordinance committee would like to make a final decision on this matter before the next meeting on June 20, 2017. Thank you in advance for your cooperation on these issues.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

From: noiseconsultancy@aol.com [mailto:noiseconsultancy@aol.com]
Sent: Wednesday, May 03, 2017 10:32 AM
To: Candela, Brian <bcandela@norwalkct.org>
Cc: Melendez, EloisaM <eloisa.melendez@hotmail.com>
Subject: Acoustical Consulting Services Proposal - Norwalk Noise Code

Dear Mr. Candela,

Attached please find my proposal to provide the acoustical consulting services that you have requested.

I look forward to the possibility of assisting you in protecting and improving the quality of life for the residents of Norwalk.

Be well,

Eric

Eric Zwerling, M.S., INCE, ASA

President, The Noise Consultancy, LLC
Office (908) 237-0298

Candela, Brian

From: Candela, Brian
Sent: Tuesday, May 30, 2017 9:31 AM
To: Melendez, EloisaM; Hempstead, Doug; Kimmel, Bruce I.; Livingston, Thomas P.; Corsello, Michael; Simms, Travis; Giandurco, Shannon O'Toole
Cc: Candela, Brian
Subject: Noise Ordinance
Attachments: Bennett Brooks re answers to questions from Ordinance Committee (00024840xD9291).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance. I have spoken at length with Eric Zwerling concerning the questions that you posed at the end of the last meeting. In response to your questions, Mr. Zwerling stated the following:

- 1) Noise services in Connecticut: I do not believe that I have done a noise code in Connecticut. However, I have written codes all over the United States and am familiar with the problems that Norwalk faces in revising the noise ordinance.
- 2) Mixed use zones: Every jurisdiction has mixed use zones. It is not unique. Any noise code is a function of jurisdictional will. It can be as strict or permissive as Norwalk would like it to be. I offer options and explain what the consequences of that option would be in a given situation. If you write a successful noise code then you will anger people on both sides. However, it must be objective and clear as this helps the investigator who enforce it.
- 3) I recommend obtaining as much participation from as many parties as possible when redrafting the code. Get them involved. In addition, it is important to designate a few people or agencies to enforce the noise code because without enforcement, the code means nothing.
- 4) He has worked with Charles Shamon, Esq. and other municipal attorneys all over the United States. Please note that I will reach out to Attorney Shamon and obtain his thoughts about working with Mr. Zwerling as well.
- 5) Mr. Zwerling has a busy July 2017, but he would be able to get to the Norwalk noise code before the end of this summer

I have also received an email (with attachment) from Bennett Brooks on May 26, 2017 at 7:00 p.m. I have enclosed the attachment from Bennett Brooks for your review. I will reach out to the contact people that he provided from the Connecticut municipalities. Once I hear back from them, I will provide you with a further update.

I hope you all had a nice Memorial Day weekend.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

From: Candela, Brian

Sent: Tuesday, May 09, 2017 3:57 PM

To: Melendez, EloisaM <eloisa.melendez@hotmail.com>; Hempstead, Doug <dhempstead@hotmail.com>; Kimmel, Bruce I. <brucekim@optonline.net>; Livingston, Thomas P. <tplivingston@norwalkct.org>; Corsello, Michael <mrcorsello@norwalkct.org>; Simms, Travis <TravisSimms@norwalkct.org>; Giandurco, Shannon O'Toole <otoole.shannon10@gmail.com>

Cc: Candela, Brian <bcandela@norwalkct.org>

Subject: Materials for 5/16/17 Ordinance Meeting #1

Ordinance Committee members:

Enclosed within this email, please find a copy of the materials for the May 16, 2017 ordinance committee meeting. A physical copy of the materials will also be delivered to your attention (in color). I wanted to email you a copy of these materials in advance. Enjoy the rest of the week.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

Candela, Brian

From: Candela, Brian
Sent: Wednesday, May 31, 2017 1:02 PM
To: Melendez, EloisaM; Hempstead, Doug; Kimmel, Bruce I.; Livingston, Thomas P.; Corsello, Michael; Simms, Travis; Giandurco, Shannon O'Toole
Cc: Candela, Brian
Subject: RE: Noise Ordinance
Attachments: Case conducted - Charles Shamoon Eric Zwerling (00024886xD9291).doc

Follow Up Flag: Follow up
Flag Status: Flagged

Ordinance Committee members:

Please allow this email to serve as an update on the retention of an acoustical expert concerning the noise ordinance. As requested, I have reached out and spoken to Charles Shamoon, Esq. concerning Eric Zwerling.

Attorney Shamoon advised that he worked with Mr. Zwerling over the years and found him to be professional, very technical and able to explain complicated subjects in a simple fashion. He provided me with a copy of a case that they were both involved in some time ago (February 2000). If you would like to review the case, I have attached a copy of it for your review. Although Mr. Zwerling has not provided any documentation that he has worked in Connecticut, Attorney Shamoon advised that he has been retained all over the United States and has a vast amount of experience. Attorney Shamoon was not able to answer any questions I had concerning Mr. Zwerling's experience with mixed use zones.

Please note that I am still waiting to hear back from Tim O'Neil, Esq. (counsel for Manchester) concerning his experience with Bennett Brooks.

I hope this email answers any questions that you have concerning Eric Zwerling. Thanks and have a nice day.

Brian Candela
Assistant Corporation Counsel
City of Norwalk
125 East Avenue
Norwalk, CT 06851
Phone: (203) 854-7295
Fax: (203) 854-7901

From: Candela, Brian
Sent: Tuesday, May 30, 2017 3:43 PM
To: Melendez, EloisaM <eloisa.melendez@hotmail.com>; Hempstead, Doug <d hempstead@hotmail.com>; Kimmel, Bruce I. <brucekim@optonline.net>; Livingston, Thomas P. <tplivingston@norwalkct.org>; Corsello, Michael <mrcorsello@norwalkct.org>; Simms, Travis <TravisSimms@norwalkct.org>; Giandurco, Shannon O'Toole <otoole.shannon10@gmail.com>
Cc: Candela, Brian <bcandela@norwalkct.org>
Subject: RE: Noise Ordinance

Ordinance Committee members:

Until Published Standard Listing Is Made, City Cannot Exclude Extraneous Street Noises; TURLEY v. GIULIANI New York Law Journal February 28, 2000, Monday

Turley v. Giuliani, 99 Civ. 3381 (SAS), UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, 86 F. Supp. 2d 291; 2000 U.S. Dist. LEXIS 1514, February 15, 2000, Decided, February 16, 2000, Filed

New York Law Journal February 28, 2000, Monday

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New York Law Journal

February 28, 2000, Monday

SECTION: COURT DECISIONS; Pg. 21

LENGTH: 5282 words

HEADLINE: Until Published Standard Listing Is Made, City Cannot Exclude Extraneous Street **Noises**;
TURLEY v. GIULIANI

BODY:

SUMMARY U.S. District Court: S.D.N.Y. Constitutional Law

PLAINTIFFS, STREET musicians who perform in the Times Square area brought action to vindicate their First Amendment right to play reasonably amplified music. Plaintiffs argued that the exclusion by the Department of Environmental Protection Inspectors of extraneous sounds, such as car horns, ambulances and buses, after measuring the ambient **noise** level, was arbitrary because they had unfettered discretion to decide which sounds could be excluded. The court agreed, finding that the unguided exclusion of various **noises** by different inspectors was arbitrary and capricious and could lead to content-based discrimination. The court held that, until there is a published standard listing of which **noises** to include and exclude, the City would be preliminarily enjoined from excluding any extraneous **noises** in the measurement of ambient sound levels.

Judge Scheindlin

[Footnotes Deleted for Publication]

TURLEY v. GIULIANI QDS:02762146 - Plaintiffs, Robert Turley and Tyrone Hamlette, are professional street musicians who perform in and around the Times Square area. They bring this action to vindicate their First Amendment right to play reasonably amplified music on the sidewalks and traffic islands which comprise Times Square. Plaintiffs have moved for a preliminary injunction enjoining and restraining the defendants (collectively, the "City") from: (1) enforcing a decibel ceiling of 85 - **dB(A)**-at-10 feet; (2) specifying a decibel ceiling lower than 95 - **dB(A)**-at-15 feet on their sound device permits; (3) charging plaintiffs with making "unreasonable **noise**" or exceeding the allowable decibel level based on arbitrary sound measurement practices; (4) imposing restrictions on plaintiffs' amplified music from which corporate-sponsored amplified events are exempt; (5) favoring certain Fifth Avenue business entities in the processing and issuance of sound device permits for the area in front of Trump Plaza at 5th Avenue and 58th Street; and (6) granting such entities "sham" permits in order to limit plaintiffs' opportunities for sound device permits at that location. The first **three** demands are referred to as the "sound level demands" while the latter **three** demands are referred to as the "preferential treatment complaints." For the reasons that follow, plaintiffs' motion is granted in part and denied in part.

I. Facts

A. The Music

Plaintiffs are street musicians who earn their living by performing music on sidewalks and traffic islands in and near Times Square. Affidavit of Robert Turley in Support of Plaintiffs' Motion for a Preliminary Injunction, sworn to November 2, 1999 ("Turley Aff."), P 2. Turley plays the electric bass and the TrebleBass, which is a combined electric bass and guitar, while Hamlette plays a portable drum kit. *Id.* Neither of Turley's instruments can be heard without a sound amplifier. *Id.* In order to earn a living, plaintiffs typically perform an eclectic mix of soul and jazz six to eight hours a day, five days a week. *Id.*, P 3. They usually play at a volume of 95 **dB(A)**-at-15 feet, which they contend is just loud enough to be heard above the ambient **noise**. *Id.* In good weather, plaintiffs attract between 15 and 20 people who typically stand 15 to 20 feet away from them. *Id.*

B. The City's Sound Device Permit Scheme

To obtain a sound device (amplification) permit, an applicant must apply at least five days prior to the proposed use to the police precinct covering the area in which the sound device is to be used. See N.Y.C. Admin. Code @ 10 - 108(e). The applicant must state the exact time, date and location where he or she proposes to use a sound device. *Id.* Each sound device permit must specify the exact time, date and location where the sound device may be used. N.Y.C. Admin. Code @ 10 - 108(f). Each sound device permit must specify the "maximum volume of sound which may be employed in [the] use or operation" of the sound device. *Id.*

Turley typically applies for at least one five-day permit at either Mid Town North Police Precinct ("MTN"), which serves Times Square and the vicinity above West 45th Street, or Mid Town South Police Precinct ("MTS"), which serves Times Square and the vicinity below West 45th Street. *Id.*, P 5.

Prior to March 1998, both MTN and MTS specified a 75 - **dB(A)**-at-6 feet decibel level. Declaration of Robert T. Perry, plaintiffs' attorney, in Support of Plaintiffs' Motion for a Preliminary Injunction, sworn to November 3, 1999 ("Perry Decl."), P 6. In March of 1998, in response to earlier litigation brought by Turley contesting the 75 - **dB(A)**-at-6 feet decibel level, MTN began specifying an 85 - **dB(A)**-at-6 feet decibel ceiling on sound device permits. Turley Aff., P 8. At about the same time, MTS began specifying an 85 - **dB(A)**-at-10 feet decibel ceiling. Id. On July 31, 1999, MTN raised the decibel ceiling to 85 - **dB(A)**-at-10 feet. Id., P 16. The Department of Environmental Protection ("DEP"), however, has adopted the permissive policy of not pursuing enforcement unless the measured sound level exceeds the permissible sound level limit by more than 3 decibels. Thus, a violation will not issue unless the sound level is at least 88 - **dB(A)**-at-10 feet. See Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction ("Opp. Memo") at 9.

C. The City's **Noise** Code

The New York City **Noise** Code, Title 24, Chapter 2, @@ 24 - 201 et seq. of the Administrative Code, was enacted in 1972 to "reduce the ambient **noise** level in the city, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city..." N.Y.C. Admin. Code @ 24 - 202. The **Noise** Code is primarily enforced by the DEP. Perry Decl., P 8 (citing N.Y.C. Admin. Code @ 24 - 204). @ 24 - 218 of the **Noise** Code prohibits the making of "unreasonable **noise**," a term defined to mean:

any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities or injures or endangers the health or safety of a reasonable person of normal sensitivities, or which causes injury to plant or animal life, or damage to property or business.

N.Y.C. Admin. Code @ 24 - 203(ccc). Furthermore, @ 24 - 220(a) provides that "except as provided in @ 10 - 108 of the [Administrative] code, no person shall operate or use or cause to be operated or used any sound reproduction device in such a manner as to create any unreasonable **noise**." Plaintiffs note that the City of New York has previously taken the position that a street musician will not be charged with making "unreasonable **noise**" unless the sound device is being operated at a level in excess of the allowable decibel ceiling and at least 10dB(A) above the ambient **noise** level. Perry Decl., P 10 (citing Turley v. New York City Police Dep't, 988 F. Supp. 675, 679 - 80 (S.D.N.Y. 1997) ("Turley I"), aff'd in part, rev'd in part, 167 F.3d 757 (2d Cir. 1999)).

II. Discussion

A. Standard for Preliminary Injunctive Relief

A preliminary injunction generally may not be issued unless the plaintiff demonstrates that it is necessary to prevent irreparable harm and either (1) a likelihood of success on the merits, or (2) sufficiently serious questions going to the merits to make them a fair ground for litigation and a balance of hardships tipping decidedly in favor of the movant. Polymer Tech. Corp. v. Mimran, 37 F.3d 74, 77 - 78 (2d Cir. 1994); Blum v. Schlegel, 18 F.3d 1005, 1010 (2d Cir. 1994). However, when the "moving party seeks a preliminary injunction to stay government action taken in the public interest pursuant to a statutory or regulatory scheme," a

preliminary injunction should only be granted if the movant meets the more rigorous "likelihood of success" standard. Latino Officers Ass'n v. City of New York, 196 F.3d 458, 462 (2d Cir. 1999) (internal quotation marks and citations omitted).

Plaintiffs argue that because there are public interest concerns on both sides of this case, they may rely on the less rigorous "fair ground for litigation" standard. Plaintiffs cite Time Warner Cable of New York City v. Bloomberg L.P., 118 F.3d 917, 923 (2d Cir. 1997) in support of this proposition. However, in Time Warner plaintiff did not seek to enjoin the exercise of governmental regulatory authority. Id. at 923 - 24. Rather, plaintiff, a cable operator, sought to enjoin New York City from using channels reserved for public, educational or governmental ("PEG") purposes for two 24 - hour news programs produced by commercial television programmers. Id. at 919. In weighing the public interest concerns on both sides, the court noted that "the proposed action of the City in deciding what programming to place on one of its reserved PEG channels is more akin to... proprietary action." Id. at 923. In issuing the injunction, the court held that the public interest in maintaining PEG channels for their intended use outweighed the needs of the viewing public for a diversified range of traditional commercial programming, a need adequately met by numerous non-PEG channels. Id. at 929. There is no proprietary action at issue here-plaintiffs are seeking to prevent the City from exercising its regulatory authority by enforcing the current decibel ceiling. See id. at 923 -24 (higher standard applies where plaintiff seeks "to prevent the exercise of governmental regulatory authority"). Accordingly, the likelihood of success standard will apply here as it did when Turley previously sought preliminary injunctive relief. See Turley v. New York City Police Dep't, 93 Civ. 8748, 1996 WL 93726, at *3 (S.D.N.Y. Mar. 5, 1996).

It is well established that " 'the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable harm.' " Paulsen v. County of Nassau, 925 F.2d 65, 68 (2d Cir. 1991) (quoting Eirol v. Burns, 427 U.S. 347, 373 (1976)). Because the violation of a constitutional right is the irreparable harm asserted here, the two prongs of the preliminary injunction threshold merge into one: in order to show irreparable injury, plaintiff must show a likelihood of success on the merits. See Bery v. City of New York, 906 F. Supp. 163, 166 (S.D.N.Y. 1995), rev'd on other grounds, 97 F.3d 689 (2d Cir. 1996).

B. Sound Level Demands

I. The 85 - dB(A)-at-10 Decibel Level

In traditional public fora, plaintiffs have a First Amendment right to engage in expressive activity and communicate effectively. New York Magazine, a Div. of Primedia Magazines, Inc. v. Metropolitan Trans. Auth., 136 F.3d 123, 128 (2d Cir.), cert. denied, 119 S.Ct. 68 (1998) (citations omitted). And music is a form of expression and communication that is protected under the First Amendment. Ward v. Rock Against Racism, 491 U.S. 781, 790 (1989). Moreover, sound amplification is often necessary to effective communication. Saia v. People of State of New York, 334 U.S. 558, 561 (1948).

The City may regulate the time, place and manner of amplified music to prevent excessive **noise**, limit congestion and ensure public safety. Ward, 491 U.S. at 791 - 92; Bery v. City of New York, 97 F.3d 689, 697 (2d Cir. 1996). That power, however, is sharply circumscribed and "subject to the highest scrutiny." International Soc'y for Krishna Consciousness, Inc. v. Lee, 505 U.S. 673, 678 (1992). Government

regulations limiting the time, place or manner of expression will be upheld "provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant government interest, and that they leave open ample alternative channels for communication of the information." Clark v. Community for Creative Non-Violence, 468 U.S. 288, 293 (1984) (citations omitted).

Plaintiffs' first "sound level demand" is that the City should be enjoined from enforcing its decibel ceiling of 85 - **dB(A)**-at-10 feet because that ceiling lacks narrow tailoring and burdens "substantially more speech than necessary to further the [City's] legitimate interests." Ward, 491 U.S. at 799. This is due, in part, to defendants' practice of excluding regular "**noise** events," such as car horns, accelerating/braking buses, and construction sounds, which equal or exceed 85 - **dB(A)**-at-10 feet virtually every minute of the day, from their measurement of ambient **noise**. Turley Aff., P 19. Plaintiffs rely on their expert, Alan Fierstein, who measured ambient **noise** at **three** different locations around Times Square and found twelve **noise** events per minute averaging 86 **dB(A)**; **three noise** events per minute averaging 83 **dB(A)**; and one **noise** event per minute averaging 78 **dB(A)**. Affidavit of Alan Fierstein in Support of Plaintiffs' Motion for a Preliminary Injunction, sworn to June 4, 1999 ("Fierstein Aff."), PP 12 -14. By eliminating these **noise** events, the defendants are arguably underestimating the ambient **noise** level and, consequently, the decibel level needed to be effectively heard over that ambient **noise** level.

Defendants refute these ambient sound measurements by contending that Fierstein measured extraneous peaks and, without regard for the duration or the intervening sound levels, reported the arithmetic average of these peaks as the ambient sound levels. Zwerling Aff., P 18. Defendants contend that the ambient sound levels in the Times Square area are predominantly below 75 **dB(A)**. *Id.* at P 6. This conclusion is based on readings taken between the hours of noon and 10:00 p.m. on two separate days. *Id.*

Plaintiffs also argue that their audience, which typically stands 15 - 20 feet away from them, will have trouble hearing their music much beyond 10 feet at a 85 - **dB(A)**-at-10 feet level. Plaintiffs' Memorandum of Law in Support of Motion for a Preliminary Injunction ("Pl. Memo") at 19. Plaintiffs argue that this ceiling lacks narrow tailoring because it fails to take into account the jury's implicit finding in a previous trial in 1997 (Turley I) that plaintiffs need a 15 - to-20 signal-to-**noise** ratio to be heard and appreciated in Times Square. See Turley I, 988 F. Supp. at 679.

Defendants counter that the 85 - **dB(A)**-at-10 feet decibel limit is sufficiently narrowly tailored as it allows plaintiffs to be clearly audible to their audience. According to defendants, an increase of 10 decibels results in a doubling of perceived loudness. Opp. Memo at 16 (citing Zwerling Aff., PP 5, 7). In other words, at 10 decibels above the ambient **noise** level, music at 85 decibels will be perceived as two times louder than the ambient sound level of 75 **dB(A)**. *Id.* "Moreover, since doubling the distance from a point source reduces levels by 6 **dB(A)**, setting a permissible limit of 85 **dB(A)** when measured at 10 feet will result in the music having a sound level of 79 **dB(A)** at 20 feet. Music which is 4 **dB(A)** above the ambient sound level will be plainly audible above background..." *Id.* at 17.

On February 2, 2000, I was accompanied by the parties, their attorneys, and their experts to witness a demonstration of plaintiffs' music as it is heard on the street.

The demonstration occurred in front of the Marriott Hotel at 46th Street and Broadway at approximately 6:30 p.m. I listened to the music at the 85 - **dB(A)**-at-10 feet and 88 - **dB(A)**-at-10 feet decibel levels from distances ranging from 10 to 20 feet. At 10 and 15 feet, I subjectively found plaintiffs' music to be moderate on a scale of very loud, loud, moderate, low, too low and inaudible. At 20 feet, I found the music to be moderate to low but still clearly audible. I also noted that the ambient sound level ranged from 75 to 80 **dB(A)**, without excluding any extraneous sounds. Given these observations, plaintiffs have not shown a likelihood of success on the merits of their claim that the 85 - **dB(A)**-at-10 feet level is unduly restrictive. See Ward, 491 U.S. at 802 ("That the city's limitations on volume may reduce to some degree the potential audience for respondent's speech is of no consequence, for there has been no showing that the remaining avenues of communication are inadequate."); Heffron v. International Society for Krishna Consciousness, Inc., 452 U.S. 640, 655 (1981) (limits on where members of religious sect were allowed to set up a booth, distribute/sell literature, and solicit funds on fairgrounds did not violate their First Amendment rights because the regulations provided them with "an adequate means to sell and solicit on the fairgrounds"). Accordingly, injunctive relief prohibiting the City from enforcing the 85dB(A)-at-10 feet decibel ceiling is denied.

ii. The 95 - **dB(A)**-at-15 Decibel Level

Plaintiffs' second "sound level demand" is that the defendants should be enjoined from setting a decibel ceiling any lower than 95 - **dB(A)**-at-15 feet. Defendants contend that a sound level of 95 - **dB(A)**-at-15 feet is intrusive to many people and may force pedestrians to detour to avoid being exposed to this level of sound. Opp. Memo at 6. Again, based on my own observations, I found the 95 - **dB(A)**-at-15 feet level to be loud when heard from 15 and 20 feet away. Moreover, I am concerned that those walking along the sidewalk, at much closer proximity to plaintiffs, may find this decibel level objectionable and annoying. The City's **Noise** Code and permit scheme are meant to benefit the entire population, including those wishing to hear street music and those wishing to get to their destinations without detour. As such, the rights of those who wish to be protected from intrusive **noise** are no less important than the rights of those who enjoy loud street music. Plaintiffs have not shown a likelihood of success on the merits of their claim that a 95 - **dB(A)**-at-15 feet decibel level should be permitted. Thus, defendants are not preliminarily enjoined from enforcing a decibel ceiling below that level. This conclusion is buttressed by my earlier finding that an 85 - **dB(A)**-at-10 feet level is sufficiently loud.

iii. Methods of Sound Measurement

Plaintiffs' third "sound level demand" involves the method by which the sound level of their music and the ambient sound level for the Times Square area are measured. Typically, when the NYPD receives a **noise** complaint it sends a DEP inspector to the site to determine whether a Notice of Violation ("NOV") should issue by measuring the respective sound levels. The DEP inspector measures the sound produced by the music for a very short period-approximately 10 seconds-and focuses on the peak reading on the sound meter during that time frame. Turley Aff., P 15. The DEP inspector also measures the ambient **noise** level at that location-for approximately 30 seconds-to find a "steady state" ambient **noise** level. *Id.* In measuring the ambient **noise** level, the DEP inspector excludes all "extraneous" sounds such as car horns, ambulances, and accelerating/braking buses. A NOV will be issued if the sound from the music is above the permitted decibel level.

Plaintiffs object to the use of peak sound levels when measuring their music as being unsupported by empirical data. Reply Memorandum of Law in Support of Plaintiffs' Motion for a Preliminary Injunction ("Reply Memo") at 6. Plaintiffs also object to the use of "snapshot measurements" (10 seconds for sound source, 30 seconds for ambient **noise** level) as arbitrary and "too small a sample from which to reliably draw any valid conclusions..." Id. at 5. Finally, plaintiffs argue that the exclusion of extraneous sounds from the ambient **noise** level is completely arbitrary because the DEP inspectors have unfettered discretion to decide which sounds are excludable. Id. at 7.

Defendants support the method by which they take sound level measurements. First, defendants contend that the "DEP's practice of comparing peak sound levels of the sound source to background sound levels for enforcement purposes is consistent with acceptable industry standards as it is designed to ascertain the normal and usual operation of the sound source." Opp. Memo at 8. In support of this statement, defendants cite the Affidavit of Eric M. Zwerling, defendants' sound expert, sworn to December 15, 1999 ("Zwerling Aff."), PP 29 -30 ("Virtually every jurisdiction I have worked with enforces on peak measurements so long as they represent the normal, usual operation of the sound source under investigation... Complaints are usually based upon the peak sound levels that may be particularly intrusive; they are not based on the average sound level of the source. It is then entirely appropriate to measure these peaks, so long as they represent the normal usual operation of the sound source."). According to defendants, plaintiffs' music is performed at a consistent level, varying by no more than 4 - 8 decibels. Second, defendants argue that "for purposes of enforcement, the only relevant ambient sound levels are those immediately preceding or following the measurements of the sound source under investigation. These ambient sound level measurements need not take more than a few minutes." Opp. Memo at 8 (citing Zwerling Aff., P 25). With regard to extraneous sounds, defendants point to paragraph 17 of the Zwerling Affidavit: "I know of no jurisdiction that includes short duration intense sound events in the determination of ambient sound levels for the purposes of establishing a baseline for enforcement purposes. The standard practice is to exclude extraneous **noises**..."

The City's method with regard to the timing of sound measurements, i.e., ten seconds for source sound, thirty seconds for ambient **noise** level, is not so arbitrary as to be inherently inconsistent with valid time, place and manner regulations. See Ward, 491 U.S. at 800 ("So long as the means chosen are not substantially broader than necessary to achieve the government's interest..., the regulation will not be invalid simply because a court concludes that the government's interest could adequately be served by some less-speech-restrictive alternative."); see also Johnson v. Bax, 63 F.3d 154, 158 (2d Cir. 1995) (government's limited discretion in regulating the use of its streets must be exercised uniformly and systematically so as not to create any unfair discrimination).

I do find, however, that the City's practice of conferring unfettered discretion on the DEP inspectors in deciding which **noises** to exclude as extraneous is unduly arbitrary. In the absence of a published standard listing which **noises** to include and which to exclude, the unguided exclusion of various **noises** by different DEP inspectors is arbitrary and capricious. The abuse of this discretion by DEP inspectors could easily lead to content-based discrimination. See Heffron, 452 U.S. at 649 (government regulation that allows arbitrary application is "Inherently inconsistent with a valid time, place and manner regulation because such discretion has the

potential for becoming a means of suppressing a particular point of view"). Therefore, until the City develops published criteria of which extraneous sounds to include and exclude, it will be preliminarily enjoined from excluding any extraneous **noises** in the measurement of ambient sound levels.

C. Preferential Treatment Complaints

i. Corporate-Sponsored Event Exemption

Plaintiffs' first preferential treatment complaint is that while they are subject to the 85 - **dB(A)**-at-10 feet decibel ceiling, corporate-sponsored music events, such as Time Warner's musical extravaganza, JVC concerts and the Broadway on Broadway concert, have been exempt and consequently far exceed the decibel level imposed on plaintiffs. Turley Aff., P 17. Plaintiffs claim that this discrepancy violates the Equal Protection Clause of the Fourteenth Amendment and is therefore impermissible.

In response, defendants state that the permissible decibel ceiling on a sound permit is based on the information supplied by the applicant. Opp. Memo at 19 (citing Affidavit of Stephen Giaco, an officer of the NYPD, sworn to December 17, 1999 ("Giaco Aff."), P 5). In that affidavit, Officer Giaco states:

If the event sponsor anticipates a much larger audience, such as several hundred or several thousand, then the permissible decibel level will be adjusted accordingly to allow the speaker or performer to be heard by his or her audience. Moreover, if the activity is to take place where streets have been closed to traffic, the decibel ceiling can be set at a higher level since some of the concerns for pedestrian and vehicular safety will not be at issue.

Giaco Aff., P 5. This appears to be a credible and reasonable explanation for the differences in decibel limits set for corporate-sponsored events, which tend to be more elaborate affairs drawing audiences considerably larger than 10 to 15 people.

Furthermore, in equal protection analysis, suspect classes have generally been limited to groups defined by their status such as race, origin and gender, and not by the conduct in which they engage. Able v. United States, 155 F.3d 628, 632 (2d Cir. 1998). Street musicians do not fall within any suspect class. Accordingly, the rational relationship test applies to the government action challenged here. Where the "government differentiates between persons for a reason that bears a rational relationship to an appropriate governmental interest," there is no violation of equal protection. Id. at 631. Because the government has the legitimate interest in enabling corporate-sponsored events to be heard by large audiences, the discrepancy between the current decibel level imposed on plaintiffs and the higher levels granted to corporate sponsors does not present a constitutional violation. Plaintiffs therefore will not be relieved of the current restrictions imposed on them despite the disparity in decibel ceilings between their music and certain corporate-sponsored events.

ii. Preferential Treatment for Certain Fifth Avenue Entities

Plaintiffs' second preferential treatment complaint is that MTN has afforded preferential treatment to certain Fifth Avenue business entities-the Fifth Avenue Business Improvement District, the Fifth Avenue Association, and the Trump Organization (collectively, the "5th Avenue entities") - in the processing and issuance

of sound device permits for the sidewalk in front of Trump Plaza at 5th Avenue and 58th Street. Turley Aff., P 24. Specifically, plaintiffs allege that MTN accepts and processes sound device permits for the 5th Avenue entities before allowing Turley to submit applications, allows them to fax applications while requiring Turley to apply in person, and lets them separately apply for sound device permits for successive weeks for the very same use. Id., PP 25, 27 - 28.

Defendants respond that applications are generally handled on a first-come, first-served basis. Opp. Memo at 24 (citing Giaco Aff., P 4). For particular locations, such as 58th Street and 5th Avenue, MTN has implemented a "rotation system." According to Officer Giaco, under this system, a permit application is date and time stamped when it is received at the precinct. If a permit for the requested date and location has already been issued, this applicant will have the opportunity to get a sound amplification permit for that location during the next available five-day period. No individual or group who has already received a permit for that location will receive another permit for the same location until all the other applicants for sound permits for that location have had an opportunity to receive a sound amplification device permit. The applicant can, in the meantime, however, receive a sound device permit at an acceptable alternate location.

Giaco Aff., P 8. As plaintiffs have not yet presented any evidence that their permit applications are intentionally processed later than those of the 5th Avenue entities, a preliminary injunction restraining this alleged practice is not warranted at this time.

Defendants also point out that Turley has received a sound device permit from MTN for every week requested during the past six months, although not always at his first choice location. Id., P 10. Moreover, plaintiffs have received permits for the 5th Avenue and 58th Street location more than any other applicant for that location. Id., P 11. Nonetheless, this does not refute plaintiffs' remaining specific complaints, namely, processing by fax and successive week use.

The successive week use complaint is addressed in Exhibit N of defendants' motion papers. Exhibit N is a summary of sound permits issued at 58th Street and 5th Avenue for the period starting on June 2, 1999 and ending on November 30, 1999. A review of Exhibit N reveals that Turley received sound permits seven times during this period while Ms. Padilla, representing the 5th Avenue entities, received five permits. None of the permits issued to either Turley or Padilla were for successive weeks. This presumably accurate summary refutes plaintiffs' complaint of successive week use. Injunctive relief cannot be ordered in the absence of a violation.

The faxing of permit applications was also addressed by Officer Giaco. See Supplemental Affidavit of Stephen Giaco, sworn to February 2, 2000 ("Giaco Supp. Aff."). Officer Giaco states that it is the "policy and practice of MTN to require all sound device permit applicants to submit their applications in person at the precinct between the hours of 9:00 a.m. and 5:00 p.m. on weekdays." Giaco Supp. Aff., P 3. To the best of his recollection, the MTN has not accepted a facsimile transmission during the past year. Id., P 4. Officer Giaco does recall, however, that MTN did in fact accept a few applications by facsimile in limited circumstances, such as the need for the applicant to be out of town at the time of filing. Id., P 5. Officer Giaco states that Turley never made such a request. Id. In the meantime, MTN now refuses to accept any application by fax. Thus, MTN has effectively agreed to give up the practice complained of. A preliminary injunction is not required in the absence of irreparable harm.

iii. Sham Permits

Plaintiffs' final preferential treatment complaint is that the sound device permits issued to the 5th Avenue entities are mere shams because the activities they engage in-handing out pamphlets and providing information-do not require the use of a sound device. Turley Aff., P 29. See also Bieberman Decl., Ex. N (applications of 5th Avenue entities list "Tourist information & background music"). In response, defendants note that they can only review the information on the application, not the actual use by the applicant. Thus, in order to prove that the permits issued to the 5th Avenue entities were shams used to thwart plaintiffs' efforts to secure permits, plaintiffs must demonstrate that the MTN and/or MTS knew that the permits issued to the 5th Avenue entities were not being used for sound amplification. At this early stage, plaintiffs have failed to make the required showing. Accordingly, injunctive relief is not warranted. However, if plaintiffs can make the required showing following a period of discovery, they can renew this application.

III. Conclusion

For the reasons stated above, plaintiffs' motion for preliminary injunction is denied in all respects except for the challenge to the City's practice of excluding extraneous **noises**. A status conference is scheduled for February 23, 2000 at 4:30 p.m.

VII.C

**City of Norwalk
Department of Health
Proposed Fees
July 2017**

Common Council Action:

To approve the health department fee schedule as set by the Director of Health with the concurrence of the Board of Health at their June 28, 2017 meeting.

City Ordinance

Section 57-5

The Director of Health shall, with the concurrence of the Board of Health and after a public hearing held jointly with the Board of Health, set fees as may be appropriate for services which are rendered by the Department of Health in accordance with the statutes, rules and regulations of the State of Connecticut and the ordinances of the City of Norwalk. Said public hearing shall be held upon no less than five nor more than 15 days' notice of the time and place of such hearing, and said notice shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. Within 30 days of receipt by the City Clerk of notice of the establishment of such fees, the Council may approve or disapprove them. If the Council takes no action within such 30 days, the fees shall be effective as set by the Director and agreed to by the Board. If the Council votes to disapprove, it may itself establish such fees or the Director and Board may submit additional proposals to the Council. All fees shall be deposited with the general fund of the City of Norwalk.

A public hearing was conducted on June 28, 2017. At the Board of Health meeting which followed the public hearing, the Board voted to adopt the proposed fee schedule.

The Assistant City Clerk was provided notice of the fee schedule on July 3, 2017. The Common Council has 30 days from this date to take action on the fee schedule as proposed becomes effective.

Board of Health Fee Policy

The fee charged for a license or permit must be equal to the cost of providing the service. Fees are reviewed and adjusted annually.

Legal Notice

In accordance with the Norwalk City Code Section 57-5 B, a Public Hearing will be held by the City of Norwalk Board of Health to elicit comment on proposed fees for licenses, permits and services provided by the Norwalk Department of Health. This hearing will take place at the Norwalk Department of Health, 137 East Avenue, Norwalk, Connecticut on Wednesday, June 28, 2017 at 5:30 PM in the Library located on the 2nd floor. All persons interested in commenting on this matter are invited to attend.

The proposed fee schedule appears below and is available on the Health Department web site at www.norwalkhealth.com.

Immediately following the public hearing the Board of Health will conduct the June 2017 Regular Meeting to consider the proposed fee schedule.

Norwalk Health Department Licenses and Permit Fees FY 18				
Type	Cost	Current Fee	Proposed Fees	
<u>Food Establishments</u>				
<u>License</u>				
Class IV	541	530	540	
Class III	379	375	380	
Class II	218	230	230	
Class I	100	100	100	
Itinerant Vendor	109	250	250	
Temp. Event	58	95	95	
Seasonal	80	175	175	
Reinspection	102	100	100	
<u>Plan Review</u>				
Class IV	131	130	130	
Class III	87	85	85	
Class II	65	65	65	
Class I	44	45	45	
<u>Reinspection</u>	102	100	100	
<u>Lot Testing</u>	233	230	235	
<u>Septic System</u>				
New	334	330	335	
Repair	334	330	335	
<u>Construction</u>	109	105	110	
<u>Well</u>	87	85	85	
<u>Public Pools</u>				
Seasonal	233	245	245	
Full year	467	495	495	
<u>File Search</u>	22	40	40	
<u>Rooming House</u>				
1-10 Rooms	95	95	95	
11-20 Rooms	143	140	145	
20+ Rooms	191	185	190	
<u>CAO</u>	95	95	95	
<u>Tenement Reg.</u>	48	45	50	
<u>Body Care & Body Art</u>				
<u>License</u>	218	215	220	
<u>Plan Review</u>	44	45	45	
<u>Massage Establishment</u>				
<u>License - Establishment</u>	109	105	110	

<u>License - Therapist</u>	72	70	70
<u>Plan Review</u>	44	45	45
<u>Tanning Establishment</u>			
<u>License</u>	87	100	100
<u>Plan Review</u>	44	40	45
<u>Code Enforcement Hearing</u>	0	100	100
<u>Weights & Measures</u>			
<u>Gas Nozzles</u>		50.00	50.00
<u>Oil Meters</u>		75.00	75.00
<u>Scales</u>		35.00	35.00
<u>Taxi Meters</u>		35.00	35.00

CITY OF NORWALK

LAW DEPARTMENT

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



TEL: (203) 854-7750
FAX: (203) 854-7901

June 1, 2017

Common Council Land Use Committee
Norwalk City Hall
125 East Avenue
Norwalk, Connecticut 06851

Re: Option To Purchase Agreement
11 Belden Avenue & Wilton Avenue Property

Dear Ladies and Gentlemen:

The City of Norwalk ("City") and the Norwalk Public Library Foundation (the "Library Board") desire to acquire land adjacent to the City's library on Belden Avenue (the "Library") for various reasons. In the immediate term, there is a critical need for more parking. In the long term, the City desires to develop a comprehensive plan for a better development of the immediate area surrounding the Library which would include a potential expansion and repurposing of the Library as a cornerstone of the redevelopment of that area. In order to achieve these goals, the City needs to acquire control of the subject property at 11 Belden Avenue (the "Property") which is currently owned by 587 CT Ave, LLC (the "Seller").

The proposed draft Option To Purchase Agreement (the "Agreement") is attached hereto as **Exhibit 1**. The Agreement has been executed by the Seller and the Library Board. Please note that we are still in the process of working with the Seller to complete a final draft of the Agreement, including certain documents that will be attached thereto and incorporated therein as exhibits to the Agreement. However, the draft Agreement that is attached hereto provides all of the substantive terms of the deal and any additional revisions, additions and/or deletions amongst the lawyers during the process of completing a final draft shall not significantly change any of the principal terms.

An appraisal of the current fair market value of the Property was confidentially disclosed to you at an executive session on May 9, 2017. As you know, the contents of the appraisal must be kept in strict confidence and not disclosed to anyone else under any circumstances whatsoever because the appraisal discloses the Seller's confidential income and expense information regarding the Property which Connecticut law recognizes as confidential information that is not subject to disclosure under the Freedom of Information Act.

The Agreement provides that the City receive a six (6) year option to purchase the Property for \$4,885,000. During the six year option period, the City would get the significant advantage of having the guaranteed option to purchase the Property for a specific number that is clearly within the range of today's fair market value, during which time the City will work to develop a comprehensive plan for a redevelopment of the area, which would include the expansion and repurposing of the Library. The City will also receive a leased area to provide critically needed parking to the Library as set forth in the attached plan (*See, Exhibit 2*). As consideration for the option to purchase the Property and lease for the Library parking, the City agrees to pay the Seller four hundred and sixty thousand dollars (\$460,000) upon the full execution of the agreement.

The City and Library Board are currently in discussions with the Norwalk Parking Authority in order to develop a plan by which the Parking Authority will manage the parking area. Most likely the parking area will be available to the general public on a paid basis and Library patrons using the Library would be able to use the parking area for free by having a parking ticket validated by the Library staff. The terms of any future agreement between the City, Library Board and Parking Authority will need to be considered and approved by the Parking Authority, Library Board and Common Council at future meetings which will hopefully take place during the next few months.

Please note that the Agreement is scheduled to also be considered by the Planning Commission at its meeting on June 20, 2017 in order to provide an advisory report pursuant to C.G.S. § 8-24. The funding for the proposal will be considered by the Board of Estimate and Taxation at its meeting on July 10, 2017 and a special meeting of the Finance Committee of the Common Council which has yet to be scheduled. I respectfully request that the Land Use Committee vote in favor of the proposed Agreement and move this Agreement forward for consideration by the full Common Council for a final vote at its meeting on July 11, 2017.

Thank you for your consideration of this matter.

Very truly yours,



Mario F. Coppola
Corporation Counsel

Enclosures

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EXHIBIT 1

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**OPTION TO PURCHASE AGREEMENT
BY AND BETWEEN
THE CITY OF NORWALK,
THE NORWALK PUBLIC LIBRARY BOARD
AND
587 CT AVE, LLC**

THIS AGREEMENT is made this _____ day of _____, 2017 by and among the City of Norwalk, Connecticut acting herein by its Mayor, Harry W. Rilling, duly authorized (hereinafter "the City"), the Norwalk Public Library ^{Foundation Inc.,} ~~Board~~, acting herein by its President, Alex A. Knopp, duly authorized (hereinafter the "Library Board"), and 587 CT AVE, LLC, acting herein by its Managing Member, Jason Milligan, duly authorized (hereinafter "CT AVE LLC"), granting the option to purchase certain Properties owned by CT AVE LLC.

WHEREAS, the Parties have agreed upon a mutual goal of the coordinated revitalization of certain downtown areas of Norwalk incorporating the neighborhoods of Belden Avenue, Mott Avenue, in order to pursue the goal of positively transforming the community (the "Development Plan"); and

WHEREAS, the Parties acknowledge that the success of the Development Plan depends upon the preservation of opportunities both to expand dedicated parking for patrons of the Norwalk Public Library and to modernize the Library's physical facility located at Belden Avenue; and

WHEREAS, the purpose of this Agreement is to establish the terms and conditions for the transactions which the Parties agree to be essential to the success of the Development Plan;

NOW, THEREFORE, in consideration of the promises and agreements on behalf of the Parties, and the valuable consideration recited herein (the receipt and sufficiency of which are hereby acknowledged), the parties agree as follows:

I. THE SUBJECT PROPERTY

The real property subject to this Agreement is identified as 11 Belden Avenue, also known as District 1, Block 35, Lot 21 (the "Belden Avenue Property"); and are more specifically described on Schedule A, attached hereto.)

II. THE BELDEN AVENUE PROPERTY

A. OPTION TO PURCHASE

1. CT AVE LLC hereby gives the City the exclusive right and option to purchase the Belden Avenue Property pursuant to the terms and conditions set forth in this Agreement.
2. The option hereby granted shall expire six (6) years from the date that this Agreement is fully executed by all Parties, time being of the essence, unless exercised by the City pursuant to the terms set out in paragraph 3 hereof or otherwise extended by mutual written agreement of the parties. Upon the expiration of the Option, this Agreement shall automatically terminate without further action by any party.
3. The Option must be exercised by the City sending written notice together with a deposit of TWENTY-FIVE THOUSAND Dollars (\$25,000.00) to CT AVE LLC no less than SIXTY (60) DAYS prior to requested closing date. The closing must take place on or before the final date of the Option unless there is a written agreement of the Parties to allow for a later date to close. The agreed upon fixed purchase price is FOUR MILLION EIGHT HUNDRED EIGHTY FIVE THOUSAND Dollars (\$4,885,000). The conveyance shall be made by Warranty Deed transferring good and marketable title free and clear of all liens and encumbrances, except as may be agreed to by the City.
4. CT AVE LLC acknowledges that it currently leases the entire second floor of the Belden Avenue

Property to Milligan Real Estate LLC (MRE) pursuant to a month-to-month lease. So long as MRE is still a tenant of the Belden Avenue Property at the time that this Property is conveyed to the City, the City agrees that MRE will be allowed to continue its occupancy of the second floor pursuant to a written Lease agreement with the City, for a period of six (6) months from the date the City takes title to the Property. No rent shall be due to the City during this Six (6) month lease period.

5. CT AVE LLC shall not as of the date of this Agreement, enter into any new lease or extend any existing lease for any portion of the Belden Avenue Property the terms of which would extend beyond the six (6) year Option period, without the prior written consent of the City, which consent shall not be unreasonably withheld. The terms of any such lease shall provide that the lease shall attach to the City upon the transfer of the property contemplated herein.
6. During the Option period CT AVE LLC shall not deliberately, physically damage the building or property at the Belden Avenue Property.

B. LEASE TO CITY

1. CT AVE LLC agrees to grant the City a six (6) year lease of the parking area situated on the Belden Avenue Property for its exclusive use as adjunct parking for the Norwalk Public Library (the "Library"). The lease term shall commence as of the date that this Agreement is fully executed by the parties and Option Payment is made to CT AVE, LLC, pursuant to paragraph III.1. The Lease area is depicted on the map attached hereto as **Exhibit A**. The rent under the lease shall be One Dollar (\$1.00) per year. The terms of the lease shall be as set forth in the attached document incorporated herein as **Exhibit B**. Throughout the term of the Lease the City shall be responsible for all maintenance and management of the leased area.



2. The Lease to be granted to the City hereunder, shall include the right in the City to use the berm area adjacent to the current row of Library parking on the west side of the Library building, as shown and depicted on the map attached hereto as Exhibit A, in order to construct and incorporate an additional row of parking for the exclusive use of Library patrons. CT AVE LLC will assist and cooperate with the City in obtaining any permits and approvals needed for this use.
3. CT AVE LLC agrees that it will make available for use by the Library patrons on a non-exclusive basis, the parking spaces depicted on Exhibit A from the date of delivery by the City of this Agreement in draft form until such time as a formal lease is executed by the Parties, so long as the application to withdraw the appeal of the zoning approval as set out in Section III paragraph 6 below is approved by the Superior Court, Judicial District of Stamford-Norwalk at Stamford by the Library Board. CT AVE LLC shall install appropriate temporary barriers along the border of the parking area in order to delineate and separate such area from the remainder of the Belden Avenue Property.

III. CONSIDERATION FOR THE OPTION

1. As consideration for the Option to Purchase and the Lease of the Belden Avenue Property, the City agrees to pay to CT AVE LLC FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$460,000.00) (the "Option Payment") on or before August 31, 2017, time being of the essence.
2. The City does not make any representations whatsoever that it will be able to obtain the necessary City agency approvals and funding in order to execute this Agreement and tender the Option Payment to CT AVE LLC prior to August 31, 2017. However, at the insistent request of CT AVE LLC, the City shall endeavor, but will not be obligated in any whatsoever, to obtain all



of the necessary City agency approvals by June 27, 2017 and to have this Agreement executed by the Mayor and the Option Payment tendered to CT AVE LLC by July 14, 2017. If the City is not able to obtain all of the necessary City agency approvals by June 27, 2017, the City shall endeavor, but will not be obligated in any whatsoever, to obtain all of the necessary City agency approvals by July 11, 2017 and to have this Agreement executed by the Mayor and the Option Payment tendered to CT AVE LLC by July 28, 2017. If the City fails to make the Option Payment by August 31, 2017, it shall have no further interests or rights of any kind in the Belden Avenue Property, unless otherwise extended by mutual written agreement of the parties.

3. Upon the payment of the Option Payment, CT AVE LLC shall immediately file a withdrawal of its application and zoning permit for the 69 unit residential apartment located at 11 Belden Avenue, Norwalk, CT, a project identified as "Lofts at Mott Ave", and further agrees not to resubmit any proposal for such location until the happening of the following: a) the six (6) year option period for the Belden Avenue Property referenced above has expired, and b) the City has failed to exercise its option to purchase the Belden Avenue Property in accordance with the terms of this Agreement, or c) the City agrees in writing in advance to permit the submission of such a proposal. An -undated- copy of the Withdrawal from CT AVE LLC is attached hereto as **Exhibit C**.
4. Upon the execution of this Agreement by CT AVE LLC, the Library Board will immediately file an application for the withdrawal of its administrative appeal of the approval of the "Lofts at Mott Ave" Project filed in Stamford Superior Court, entitled *Norwalk Public Library Foundation, Inc. vs. Zoning Commission of the City of Norwalk and 587 CT AVE, LLC*, Docket Number FST-CV16-6028970-S ("Library Board Appeal"). That withdrawal is being held in



escrow and a copy is attached hereto as **Exhibit D**. The Library Board will take reasonable steps to encourage the other plaintiff party to the appeal to also withdraw its appeal.

IV. GENERAL TERMS

1. The Parties acknowledge that the proposed conveyances and lease with the City is required to be reviewed by the Norwalk Planning Commission pursuant to Connecticut General Statutes Section 8-24 and finally approved and authorized by the Norwalk Common Council.
2. The Parties agree that the timelines stated herein should be observed and enforced without delay. However, if any Party requests an extension of time, such extension shall be granted only by agreement expressed in a signed, written amendment hereto.
3. The Parties represent to each other that to the best of their knowledge and information:
 - a. The Property to which they have title is not subject to any leases, tenancies, subleases or other use or occupancy rights, recorded or unrecorded, written or oral, other than Peoples Bank, Milligan Real Estate LLC, and Body 4 Brain. Any relevant changes after the date hereof shall be updated and set forth in writing prior to closing.
 - b. The entering into this Agreement and the sale of Property pursuant to the terms and conditions hereof (i) shall not constitute a violation or breach by such Party of (1) any contract, agreement, understanding or instrument to which it is a party or by which the Party is subject or bound; or (2) any judgment, order, writ, injunction or decree issued against or imposed upon them; and (ii) will not result in the violation of any applicable law, order, rule or regulation of any government or quasi-governmental authority.
4. There are no (i) claims, actions, suits, condemnation actions or proceedings pending or, to the best of the Party's knowledge, threatened against such Party or such Party's Properties- which

would materially and adversely affect its Property, or (ii) violation of any law, statute, governmental regulations or requirement, which would materially and adversely affect any such Property, except as noted herein. There is currently litigation pending in the Connecticut Superior Court Judicial District of Stamford/Norwalk at Stamford described - S & E PROPERTIES, LLC v. 587 CT AVE, LLC Docket No. FST-CV 15-6026730-S between the owner of 15 Belden Avenue and CT AVE LLC concerning rights related to parking on 15 Belden Avenue. CT AVE LLC represents that the outcome of this litigation could affirm a 1948 deed that gives parking rights to CT AVE LLC, on the Belden Avenue Property, or it could determine 11 Belden Avenue has no parking rights on the Belden Avenue Property, or something in between. Each Party will cooperate with the other Party in providing reasonable access to records and documentation in such Party's possession or control for review, including but not limited to any leases and related documentation, surveys, engineering reports, environmental inspection and remediation reports.

5. The Parties each agree that neither of them were represented by a broker in any transaction described herein.
6. A notice, demand, or other communications under this Agreement by any Party shall be deemed sufficiently given or delivered if hand delivered or if sent by registered or certified mail, postage prepaid, return receipt requested, as follows:
 - (i) Notices to the City must be addressed to the Mayor at 125 East Avenue, P.O. Box 5125, Norwalk, CT 06856-5125, with a copy to Corporation Counsel at 125 East Avenue, P.O. Box 5125, Norwalk, CT 06856-5125.



(ii) Notices to 587 Ct Ave, LLC must be addressed to 11 Belden Avenue, 2nd Floor, Norwalk, CT 06850.

(iii) Notices to the Norwalk Public Library Board must be addressed to Alex Knopp, President, Norwalk Public Library, 1 Belden Avenue, Norwalk, CT 06850.

7. This Agreement shall be construed under and governed by the laws of the State of Connecticut.
8. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby if such remainder would then continue to conform to the requirements of applicable laws, regulations, statutes, municipal charters and codes.
9. Any right or remedy which any Party to this Agreement may have under this Agreement, or any of its provisions, may be waived in writing by such Party without execution of a new or supplementary Agreement. Any such waiver shall not affect any other rights not specifically waived. If any Party to this Agreement does not exercise or delays in exercising or exercises only in part any of its respective rights and/or remedies set forth in this Agreement for the curing or remedying of any default or breach of covenant or condition, or any other right or remedy, in no event shall such non-exercise, delay or partial exercise be construed as a waiver of full action by such Party or a waiver of any subsequent default or breach of covenant or condition.
10. This Agreement may be amended only by a written document, duly executed by all of the Parties hereto, evidencing the mutual agreement of the Parties to such an amendment.
11. This Agreement will be effective only upon its approval by the Norwalk Common Council.
12. This Agreement shall be immediately recorded on the Norwalk Land Records as an encumbrance on the Belden Avenue Property as soon as the Agreement is fully executed by the parties and the Option Payment is made to CT AVE. LLC, pursuant to paragraph III.1.



IN WITNESS WHEREOF, the Library Board, 587 CT AVE, and the City have caused this Agreement to be duly executed each in its own behalf by the Mayor of the City, the President of the Library Board, and the Manager of 587 CT AVE LLC, respectively. The parties' respective seals are hereunto duly affixed on or as of the date first above written. This Agreement, therefore, constitutes a valid and binding obligation enforceable in accordance with its terms, conditions, and provisions.

[SIGNATURE PAGES FOLLOW]



Dated at Norwalk, Connecticut, the day and year first above written.

Witnesses' Signatures

CITY OF NORWALK

By: _____
Harry W. Rilling
Its Mayor
Duly Authorized

Date Signed: _____

STATE OF CONNECTICUT)

) ss: Norwalk

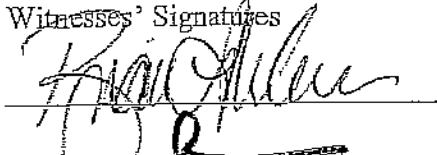
COUNTY OF FAIRFIELD)

On this _____ day of _____, 2017, before me, the undersigned officer, personally appeared HARRY W. RILLING, who acknowledged himself to be the Mayor of the City of Norwalk, and that he as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City by himself as Mayor.

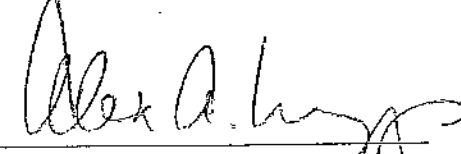
In Witness Whereof, I hereunto set my hand and official seal.

Notary Public
Commission of the Superior Court

Witnesses' Signatures




NORWALK PUBLIC LIBRARY BOARD

By: 
Alex A. Knopp
Its President
Duly Authorized

Date Signed: 5/31/2017

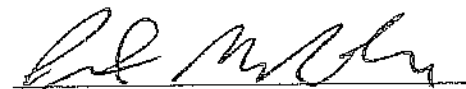
STATE OF CONNECTICUT)

) ss: Norwalk

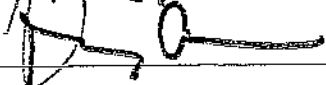
COUNTY OF FAIRFIELD)

On this 31st day of May, 2017, before me, the undersigned officer, personally appeared ALEX A. KNOPP, who acknowledged himself to be the President of the Norwalk Public Library Board, and that he as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Norwalk Public Library Board by himself as President.

In Witness Whereof, I hereunder set my hand and official seal.


Notary Public
Commission of the Superior Court
Peter M. Wain

Witnesses' Signatures


587 CT AVE, LLC

By: 

Jason Milligan
Its Manager
Duly Authorized

Date Signed: 5/31/17

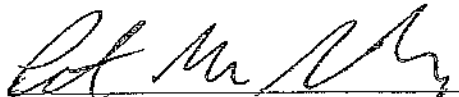
STATE OF CONNECTICUT)

) ss: Norwalk

COUNTY OF FAIRFIELD)

On this 31st day of May, 2017, before me, the undersigned officer, personally appeared JASON MILLIGAN, who acknowledged himself to be the Manager of 587 CT AVE, LLC, and that he as such Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of 587 CT AVE, LLC by himself as Manager.

In Witness Whereof, I hereunder set my hand and official seal.

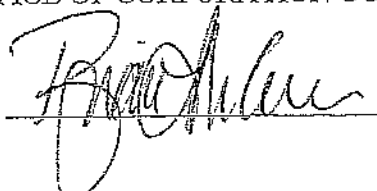


Notary Public

Commission of the Superior Court

Peter M. Nolan

APPROVED AS TO FORM:
OFFICE OF CORPORATION COUNSEL

By: 

SCHEDULE A

A handwritten signature or mark, possibly a stylized 'e' or a similar character, located in the bottom right corner of the page.

Exhibit A

That certain piece or parcel of land in the Town of Norwalk, County of Fairfield and State of Connecticut, known as No. 11 Belden Avenue and being shown on a certain map or plan entitled "MAP OF PROPERTY PREPARED FOR MARY LEE STIEGLER NORWALK, CONN. Scale: 1" = 20' AUGUST 11, 1978 . . . LEO LEONARD, P.E. & L.S. CONN. REG. NO. 2496", which map or plan is on file with the Norwalk Town Clerk and numbered #8466, reference to which may be had, said piece or parcel of land including the land shown on said map or plan as "8' Strip to be Conveyed to First District", said piece or parcel of land (including said 8' Strip) being bounded:

NORTHEASTERLY	by Belden Avenue 237.53 feet;
SOUTHEASTERLY	by land now or formerly of First Taxing District, City of Norwalk, as shown on said map, 176.93 feet;
SOUTHERLY	by land now or formerly of said First Taxing District, City of Norwalk, as shown on said map, 34.42 feet;
EASTERLY	by land now or formerly of said First Taxing District, City of Norwalk, as shown on said map, 225.65 feet;
SOUTHERLY AGAIN	by Mott Avenue, 80.00 feet;
WESTERLY	by land now or formerly of Norwalk Aerie No. 588 Fraternal Order of Eagles, as shown on said map, 286.43 feet;
SOUTHWESTERLY	by land now or formerly of said Norwalk Aerie No. 588 Fraternal Order of Eagles, as shown on said map, 7.69 feet;
NORTHWESTERLY	by land now or formerly of Walter Whitton, as shown on said map, 214.05 feet.

Being the same land conveyed to Mary Lee Stiegler by instrument dated February 3, 1969, recorded in the Norwalk land records in Volume 710, at Page 744.

Together with and subject to the reciprocal rights of way and easements set forth in two certain instruments recorded in the Norwalk land records in Volume 338, at Pages 389 and 390, respectively.

And together with and subject to the right of way, rights and reservations set forth in a certain instrument recorded in the Norwalk land records in Volume 334, at Page 246.

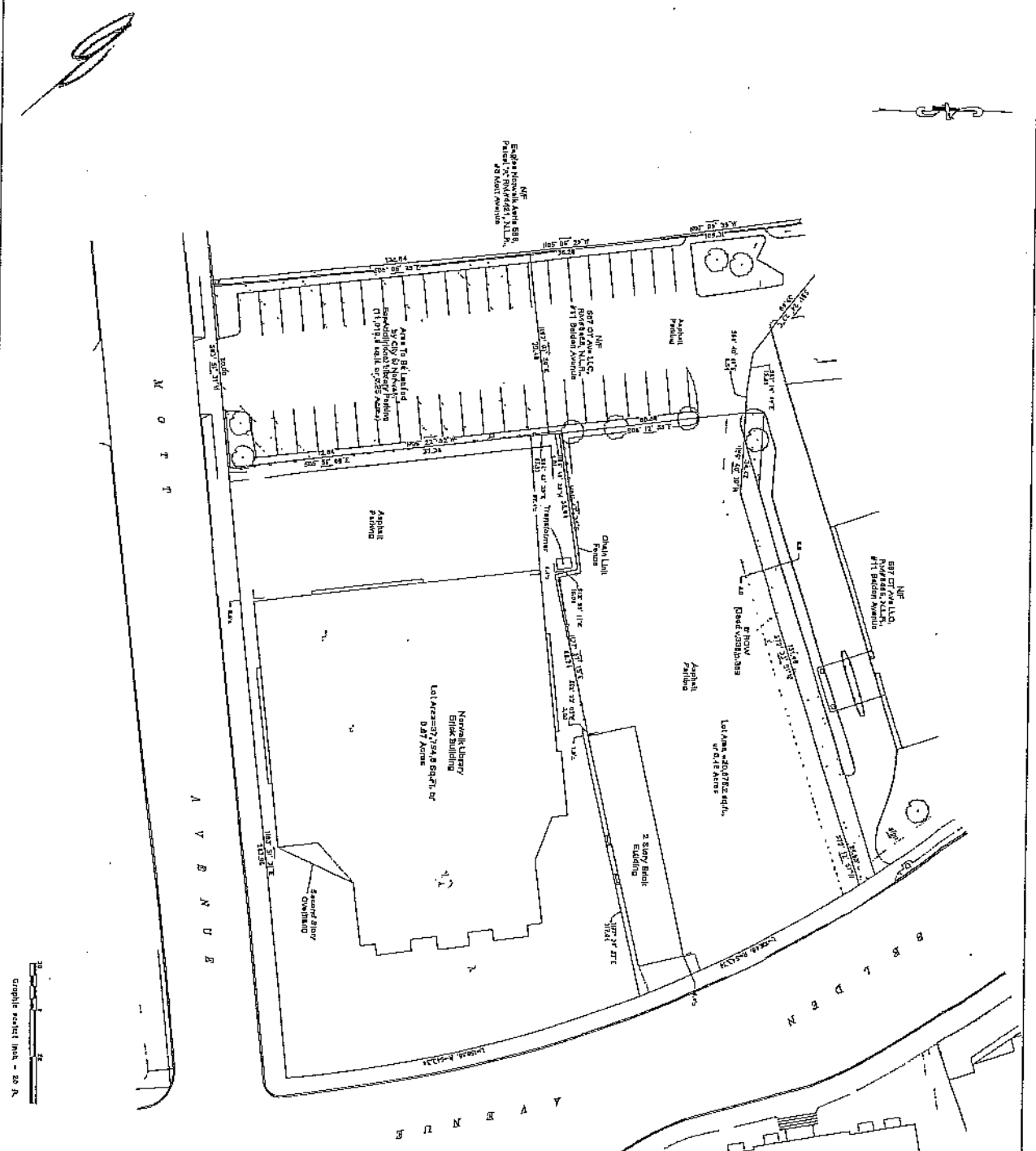


Exhibit B

1. Governmental laws and restrictions applicable to the Property.
2. The lien of non-delinquent general real estate taxes, special assessments and other governmental taxes and charges constituting a lien on all or any part of the Property.
3. The leases assigned to Grantee by separate document of near or even date herewith.
4. Rights of vendors and service providers under contracts assigned to Grantee by separate document of near or even date herewith.
5. Any state of facts that would be disclosed by an inspection of the Property or by an accurate survey of the Premises.

EXHIBIT 2

{00024948.DOCX 1}



REVISIONS	DATE	BY	DESCRIPTION
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MAP OF PROPERTY OF NEWWALK LIBRARY & SOUTH PORTION OF 587 OT AVENUE, LOT 11, NEWWALK, CONNECTICUT



DEPARTMENT OF FINANCE
PURCHASING DIVISION

TO: MEMBERS OF LAND USE & BUILDING MANAGEMENT COMMITTEE
FROM: SHARON CONNERS, PURCHASING OFFICER 
DATE: JUNE 29, 2017
RE: 3725-ROOF REPAIRS-LOCKWOOD MATHEWS MANSION MUSEUM – PHASE IV

In 2017, the City's Purchasing Department solicited bids for Roof Repairs at Lockwood Mathews Mansion Museum – Phase IV project. Work on the Lockwood Mathews Mansion Museum consisted of installation of a Kemper System on the flat roofs, re-flashing the dormers on the four remaining flat roofs that have not previously replaced.

On May 9, 2017, the Common Council awarded the project to DOMUS Constructors, LLC.. Upon further review of the project, the Invitation to Bid package and the bid submission documents, it was determined that unit prices were requested in the submissions without providing the estimated quantities to the bidders and the award should be based on the apparent low bidder of base submission.

The Purchasing Department and the Historical Commission would like to award to the apparent low bidder, G.L. Capasso, Inc.

ACTION REQUESTED

- a. Rescind Common Council Action of May 9, 2017 Item VII, B, 4a and 4b which authorized the following:

"4a. Authorize the Mayor, Harry W. Rilling, to execute a contract with Domus Constructors LLC, for roof repairs on the Lockwood Mathews Mansion Museum for a total not to exceed \$167,400. Account No: 0917/18 6310 5777 C0092"

"4b. Authorize the Historical Commission to execute change orders on Contract for a total not to exceed \$30,000.00"

- b. New action: Authorize the Mayor, Harry W. Rilling to execute an agreement with G.L. Capasso, Inc. for 3725 Roof Repairs-Lockwood Mathews Mansion Museum – Phase IV for a total not to exceed \$123,500.00. Account No: 0917/18 6310 5777 C0092

Authorize the Historical Commission to issue change orders on Contract for a total not to exceed \$12,350.00

Historical Commission
City of Norwalk
125 East Ave
Norwalk, CT 06851

April 25, 2017

Land Use & Building Management
Common Council, City of Norwalk
125 East Avenue
Norwalk, CT 06851

Dear Committee Members:

The Historical Commission has worked with architects to develop a multi-phase plan to resolve the roof leaks at the Lockwood Mathews Mansion. We have completed three phases and received bids for the fourth phase. A bid summary is attached.

This phase will replace the four remaining flat roofs that have not been previously replaced, complete the re-flashing of the large dormers that were not done in previous phases, and line all of the gutters with flashing material to prevent leaking from ice build-ups. The two chimney caps that were destroyed in Hurricanes Sandy and Irene will also be replaced.

We do not know the conditions of the sheathing underneath the flat roofs until these are removed. Additionally, there may be some minor re-pointing that may be required as the work is conducted. Therefore, we are recommending a contingency budget of \$30,000 for this project.

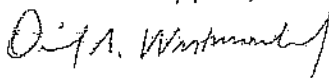
Purchasing issued an RFP to solicit bids for the project based upon specifications developed by our architect. We are recommending awarding the bid to the low bidder, DOMUS Constructors LLC, in the amounts of \$167,400 for the base bid and \$30,000 of contingency for a total authorization of up to \$197,400.00. See attached for the bid summary.

The proposed action is:

AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH DOMUS CONSTRUCTORS LLC, FOR ROOF REPAIRS ON THE LOCKWOOD MATHEWS MANSION IN THE AMOUNT NOT TO EXCEED \$167,400. ACCOUNTS 09176310 5777 C0092 and 09186310 5777 C0092.

AUTHORIZE THE HISTORICAL COMMISSION TO EXECUTE CHANGE ORDERS ON THE CONTRACT NOT TO EXCEED \$30,000.

Sincerely yours,



David G. Westmoreland
Chairman

Attachment

Historical Commission
City of Norwalk
125 East Ave
Norwalk, CT 06851

3725R Roof Repair -Lockwood Mathews Mansion Museum Phase IV
04/07/17

Bid Comparison / Assessment:

Total Available funds 300,000

Fees (Not to Exceed) 7,500

10% Contingency (based on total budget) 30,000

Construction 262,500

Bidder	Capasso		Domus	
	<u>Unit Cost</u>	<u>Cost</u>	<u>Unit Cost</u>	<u>Cost</u>
Accept:				
<u>Base Bid</u> A. Kemper Roofing		76,200.00		87,000.00
B. Re-flashing Dormers		47,300.00		42,000.00
C. Re-line Gutters (\$/LFx 800LF)	102/LF	81,600.00	45/LF	36,000.00
D. New Chimney Caps (\$ x2)	2,950 Ea.	5,900.00	1,200 Ea.	2,400.00
SUBTOTAL		\$ 211,000.00		\$ 167,400.00
From \$30,000 Contingency Fund as needed:				
E. Roof Sheathing Replacement (\$/SF x 2200SF)	5.75/SF		25.00/SF	
F. Repointing	15.00/LF		38.00/LF	
CONTINGENCY		\$ 30,000.00		\$ 30,000.00
TOTAL		\$ 241,000.00		\$ 197,400.00

} \$123,500

} \$129,000



Date: June 27, 2017

To: Members of Land Use & Building Management Committee

From: William Hodel, Director of Facilities & Maintenance

Re: Norwalk Public Schools - Cranbury Elementary School Asbestos Removal

Cranbury Elementary School has been approved for the removal of asbestos floor tiles as part of the 2016-17, City Capital Budget in the amount of \$300,000.00. This scope of this project applies to twelve locations (12) which includes classrooms along the "B" wing and the main kitchen. Asbestos floor tile has been present at Cranbury Elementary School since construction of the school in the 1957, and many areas have been compromised which allows itself to a removal process. Vinyl composite tile will be installed in place of asbestos floor tile and in some areas, carpet tile will be installed.

The Facilities Department solicited quotes from four (4) vendors all of which are registered with the State of Connecticut as licensed asbestos removal firms.

Below is a summary of all quotes received:

FIRM	STATE CONTRACT #	LUMP SUM AMOUNT
AAIS CORP.	16PSX0110AD	\$91,021.00
BESTECH INC. OF CONNECTICUT	16PSX0110AA	\$87,300.00
HAZ-PROS, INC.	16PSX0110AB	\$73,600.00
ENVIORNMENTAL SERVICES, INC.	16PSX0110AC	NO QUOTE ISSUED

Upon review of all received quotes, the Purchasing Department and the BOE Facilities Dept. respectively recommend the award to the apparent lowest cost firm, HAZ-PROS, INC.

ACTION REQUESTED:

- Authorize the Mayor, Harry W. Rilling to execute a contract with HAZ-PROS, INC., for the Cranbury Elementary School Asbestos Removal Project for a total not to exceed \$73,600.00. Funding for this project is available from account #09175010 5777 CO595.
- Authorize BOE Facilities Dept. to issue Change Orders for a total not to exceed \$7,360.00.

cc: Thomas Hamilton
Frank Costanzo
George Sevc
Alan Lo
Ben Luce

TO: MEMBERS OF LAND USE & BUILDING MANAGEMENT COMMITTEE

FROM: ALAN LO, BUILDING & FACILITIES MANAGER 

DATE: JUNE 29, 2017

RE: NORWALK MUSEUM – FAN COIL UNIT REPLACEMENT

The Norwalk Museum (aka the Lockwood House) was built in 1973. The fan coil units providing heating and air conditioning throughout the building are now 44 years old. As these units have reached the end of their life cycle, we are experiencing pneumatic control issues, leaky coils and unavailability of replacement parts.

Last year, the City issued a bid package to replace the HVAC system. The bids were approximately \$160,000, in excess of the available budget. Subsequently, we decided to break-up this project into three components (fan coils, plumbing installation and control work) in an effort to reduce costs. We received a quote from our approved control contractor to replace the existing pneumatic system with wireless control valves and energy management system for approximately \$40,000. We also obtained a quote directly from the fan coil manufacturer for approximately \$20,000. Recently, we purchased one unit and had our in-house mechanic installed it. Based on our installation procedure, we developed a bid package and the City's Purchasing Department solicited bids for labor only for the replacement of twenty-nine (29) new fan coil units, with the City supplying the equipment. A total of three (3) bids were received:

FIRM	Lump Sum Proposal Price
R&R Mechanical Services, LLC	\$29,000.00
Southport Contracting, Inc.	\$31,500.00
Sav-Mor Cooling & Heating, Inc.	\$60,000.00

After reviewing the bids, the Purchasing Department and the Office of Building Management are recommending the award to the apparent lowest bidder, R&R Mechanical Services, LLC.

ACTION REQUESTED:

- a. Authorize the Mayor, Harry W. Rilling, to execute an agreement with R&R Mechanical Services, LLC for Norwalk Museum fan coil replacement project for a total not to exceed \$29,000.00. Account #09144071 5777 C0325.
- b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$2,900.00.

VII. F

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

TO: MEMBERS OF THE COMMON COUNCIL
FROM: TAMI STRAUSS, DIRECTOR OF COMMUNITY DEVELOPMENT PLANNING
DATE: JUNE 21, 2017
RE: PROGRAM YEAR 43 (July 1, 2017 – June 30, 2018) CDBG ANNUAL ACTION PLAN

As the administering agent for the City's CDBG program, the Redevelopment Agency developed the Annual Action Plan (AAP) for Program Year 43 (PY43), which runs July 1, 2017 through June 30, 2018. The AAP outlines the deployment (amended per the final allocation from HUD) of \$977,631 in CDBG funds for PY43 activities, based on funding recommendations made by the Planning Committee. The activities recommended for PY43 are consistent with the 2015-2019 Consolidated Plan (ConPlan) approved by the Common Council.

The draft AAP was available for public review and comment from February 23, 2017 until March 25, 2017. A public hearing was held during the Planning Committee meeting on March 2, 2017. Minutes of the public hearing are attached. Public comment received during the comment period are also attached. On April 6th, 2017, the Planning Committee approved advancing the PY43 Annual Action Plan to the Common Council.

Upon approval by the full Common Council, the Norwalk Redevelopment Agency will submit the PY43 AAP to HUD in order to become a binding document guiding the CDBG program for the upcoming program year.

REQUESTED ACTIONS:

- Authorize the Mayor to execute any and all documents associated with submission of the PY43 AAP to HUD and all documents consistent with the approved 2015-2019 Consolidated Plan and PY43 Annual Action Plan.

DRAFT SUBJECT TO COMMON COUNCIL APPROVAL



DRAFT ANNUAL ACTION PLAN

for

Community Development Block Grant Program Year 43

Available for public comment February 23 to March 25, 2017

Please submit comments in writing to Tami Strauss: tstrauss@norwalkct.org

or

Norwalk Redevelopment Agency
125 East Avenue, room 202
Norwalk, CT 06851

🇪🇸 Llame al (203) 854-7810 x46783 o visite nuestra oficina para solicitar un versión traducida de este documento.

🇬🇷 Παρακαλούμε καλέστε (203) 854-7810 x46783 ή επικοινωνήστε το γραφείο μας για να ζητήσετε μεταφρασμένη έκδοση αυτού το εγγράφου.

🇮🇹 Chiama le (203) 854-7810 x46783 o visita i nostri uffici per richiedere una versione tradotta di questo documento.

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Prepared by the Norwalk Redevelopment Agency

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Program Year 43 (PY43), July 1, 2017 - June 30, 2018, of the Community Development Block Grant (CDBG) Program represents the third of five years of the City of Norwalk's 5-year Consolidated Plan for Housing and Community Development (ConPlan) (July 1, 2015-June 30, 2019). The Annual Action Plan contained herein summarizes the manner in which the City will utilize and administer its available community development resources to address the needs of Norwalk's low and moderate income households.

The United States Department of Housing and Urban Development (HUD) allocated \$808,753 in CDBG funding for the City of Norwalk in PY43. When combined with anticipated program income and reprogramming, the estimated total amount available in PY43 is \$977,631. The recommendations contained herein are based upon the estimated funds available.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The 5-year Consolidated Plan (ConPlan) establishes four priority needs, in addition to planning and programmatic administration, with associated goals to be met over the five-year period (July 1, 2015-June 30, 2019). They are:

- Increase high quality and affordable housing opportunities
- Expand economic opportunities
- Modernize public facilities and infrastructure
- Increase available social services

In PY43, \$977,631 of CDBG funds are committed to each priority need with the listed outcome expected:

- Increase high quality and affordable housing opportunities - \$434,308, 5 projects, 94 units
- Expand economic opportunities - \$25,000, 1 project, 4 businesses
- Modernize public facilities and infrastructure - \$163,967, 4 projects
- Increase available social services - \$127,427, 7 organizations, 473 people
- Planning and CDBG administration - \$208,044, 1 organization, city-wide area benefit due to the implementation of the PY43 CDBG program
- Flex emergency funds - \$18,885

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Program Year 43 (PY43) is the third of five years in the 2015-2019 Consolidated Plan period. At this time, Norwalk is on track towards accomplishing its Goals and Priority Needs by the close of the 5-year period.

Initiatives supported by CDBG funding in PY41 and PY42 are expected to address high quality and affordable housing opportunities in 145 housing units (five-year goal is 400 housing units); expand economic opportunities to 16 businesses (five-year goal is 20 businesses); modernize public facilities and infrastructure used by 49,245 people plus community cleanup activities directed at 20 acres (five-year goal is 77,000 people and 8 acres); increase available social services to 1,489 people and 65 households (five-year goal is 2,800 people and 400 households).

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning and citizen participation activities for PY43 (July 1, 2017 – June 30, 2018) began in October 2016.

On October 24, 2016, the Notice of Funding Availability was released following two legal notices of its upcoming availability (October 11, 2016 and October 17, 2016). PY43 applications were due on November 22, 2016 and were presented by the applicants at a public meeting of the Planning Committee of the Common Council on January 5, 2017. They were also posted for public viewing on the Agency's website.

Following two legal notices of its upcoming availability (February 9, 2017 and February 16, 2017), the draft PY43 Annual Action Plan (AAP) was available for a 30-day public comment period from February 23, 2017 until March 25, 2017. The AAP was made available online and in hard copy at organizations throughout Norwalk's Urban Core. A public hearing was held on March 2, 2017 at a fully accessible location during the regular meeting of the Planning Committee of the Norwalk Common Council to discuss the Plan. The public hearing was announced in multiple media including legal notices on February 16, 2017 and February 23, 2017.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

A summary of public comments will be included in the final AAP submitted to the Common Council and the U. S. Department of Housing and Urban Development.

6. Summary of comments or views not accepted and the reasons for not accepting them

7. Summary

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator		Norwalk Redevelopment Agency

Table 1 – Responsible Agencies

Narrative (optional)

The City of Norwalk designated the Norwalk Redevelopment Agency (Agency) as the administrator of Norwalk’s annual entitlement of Community Development Block Grant (CDBG) funds. As administrator of the CDBG program, the Agency is responsible for overall program management, coordination, monitoring, reporting and evaluation.

The Agency is responsible for the implementation of the City’s CDBG program and ensuring its activities are carried out in a timely manner consistent with grant conditions, State and Federal regulations; for acting as contact point between the CDBG program and other City departments, Federal and State agencies and the general public; for seeking out and applying for other funding sources to help leverage funds; for monitoring all activities for timely implementation; for preparing certificates of consistency for Norwalk social service providers; for compiling and submitting grant reports; for supervising personnel; for initiating and obtaining approvals for program and budget amendments; for processing payment requests; and for ensuring that appropriate program and financial records are maintained. The Agency works with the Mayor and Common Council for appropriate program approval, as stated in the Citizen Participation Plan.

Consolidated Plan Public Contact Information

Norwalk Redevelopment Agency

125 East Avenue, Room 202

Norwalk, CT 06851

tstrauss@norwalkct.org

(203)854-7810 x46787

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

As administrator of the City of Norwalk's CDBG program, the Norwalk Redevelopment Agency coordinates the development of the Annual Action Plan. All funding recommendations are made by the Common Council of the City of Norwalk and approved for endorsement by the Mayor prior to submission to HUD. Agency staff support the Planning Committee of the Common Council which initiates the funding recommendations. The Planning Committee is made up of seven elected officials from four of the five districts, plus an at-large member.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City of Norwalk enhances coordination in planning and implementation at several levels. The City, with the Norwalk Redevelopment Agency (Agency) playing a lead role, works with regional nonprofits such as United Way of Coastal Fairfield County and Fairfield County's Community Foundation to determine needs in areas such as housing, mental health and other services. The Agency is in continual contact with developers, owners and executives of small and large businesses and others discussing economic development opportunities in Norwalk. The City works continuously within the Continuum of Care to address homelessness on a regional basis. The Norwalk Hospital Foundation's Services Navigator coordinates activities of homeless service providers. This position was originally created with the support of a CDBG grant.

For citywide programs and multiple target areas, the City works extensively with housing providers such as the Housing Development Fund (HDF) and the Norwalk Housing Authority (NHA). The City works with HDF and NHA to define need. The City has funded both of these entities for projects including accessibility improvements and housing counseling. As part of an annual process for community development, the Agency assesses need in the community. Housing and social service agencies detail need for their clients; the Agency and the City review that need and fund projects to meet it.

The City/Agency also coordinates work for redevelopment at a neighborhood scale. The Washington Village/South Norwalk Transformation Plan is funded in large part by a U.S. Department of Housing and Urban Development (HUD) Choice Neighborhood Implementation grant. The Plan and its implementation is a joint project with the NHA and the Agency. As part of that initiative, a 273 unit mixed-income housing development will replace 136 public housing units at Washington Village. The plan also addresses safety, open space, parks and recreation improvements and storm resiliency. The self-sufficiency part of the plan addresses needs and formulates goals in several areas including educational improvements for early education, K-12 education and college and career readiness. The

planning and implementation of the education improvements will involve the community college and the local school board.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

In southwestern CT all state operated mental health authorities are represented by collaborative outreach and engagement programs and in addition, daily homeless outreach occurs via 3 PATH funded agencies (Projects for Assistance in Transition from Homelessness), Catholic Charities, Open Door Shelter, and Shelter for the Homeless to ensure services are provided to street homeless and that providers are familiar with the unsheltered. Homeless outreach teams are comprised of individuals with expertise in mental health, substance abuse, housing and vocational services.

Outreach teams visit locations where homeless individuals are known to congregate such as abandoned cars, rail stations, temporary outdoor encampments, food pantries, soup kitchens and homeless drop in centers, to ensure that any newly unsheltered household is identified as soon as possible. Services begin with triage via the VI-SPDAT (Vulnerability Index–Service Prioritization Decision Assistance Tool), and all data on outreach activities and enrollments is documented in HMIS. Case managers record entries and exit destinations to determine effectiveness of outreach efforts, and all households are added and prioritized appropriately on the regional housing registry for housing resource assignment. All are referred to Community Care Teams, which are collaborations of all the agencies that provide services to the homeless, for follow up to ensure safety, track hospital/emergency room visits and prepare them for assignment to permanent housing. Multiple referrals are made for primary health care, job training, and educational services and relevant supports are identified to secure housing. Information collected in 2014 & 2015 Point in Time counts indicate that such outreach coordination supported a reduction in unsheltered homelessness by 55% while no increase occurred in sheltered homeless.

Since 2014, the VI-SPDAT has been used by all projects funded by the Connecticut Department of Housing, as the front door triage instrument for housing assistance in addressing immediate barriers to housing access. To assign resources appropriately and efficiently, the tool enables staff to define the level of housing or services each household needs (e.g., community resources, rapid rehousing, permanent supportive housing), as indicated by the results of the survey's assessment. In addition to assessing individual needs, the VI-SPDAT has also enabled the Fairfield County region to initiate the by name registry, prioritized by the unique vulnerability each household presents. This process ensures that housing is assigned to those who are most in need and who are most likely to perish on the streets without the appropriate housing and service interventions.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Opening Doors of Fairfield County Continuum of Care works with the Connecticut Department of Housing (DOH) to ensure alignment between the CoC's strategic goals and the uses of Emergency Shelter Grants (ESG). Homeless housing assistance and service providers within the Opening Doors of Fairfield County CoC are eligible to submit competitive grant applications to the State for ESG. The CoC is working to increase coordination with the DOH by acting as a quality control agent when an agency within the Norwalk/Fairfield County CoC receives ESG from the State. In this role the CoC collects project performance reports and ensures the project maintains compliance with ESG requirements.

The Opening Doors of Fairfield County CoC designated the Connecticut Coalition to End Homeless (CCEH) as the lead homeless management information systems (HMIS) organization. The CoC has a HMIS policy and Procedures Manual which requires the lead organization to input data accurately and in a timely manner.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Norwalk Human Relations Commission
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Staff members are active in housing issues, especially homeless issues.
2	Agency/Group/Organization	Norwalk Fair Rent Commission
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This commission works on affirmative action items for the City. It mediates rent and repair issues between landlords and tenants. Staff members are active in housing issues, especially homeless issues.

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	United Way of Coastal Fairfield County	Goal three of the continuum of care is "affordable housing is available on a continuum of need in Greater Norwalk" this is aligned with the Strategic Plan priority need, "limited high quality and affordable housing opportunities."
Five-Year Plan - Norwalk Public Housing Authority	Norwalk Housing Authority	The five-year plan and the Consolidated Plan explicitly coordinated efforts to address housing issues in the City.
Ten-Year Plan to Prevent and End Homelessness	City of Norwalk & United Way of Coastal Fairfield County	The goals of the ten-year plan address housing and supportive services which are identified as priority needs in the Consolidated Plan.
Choice Neighborhoods Initiative	Norwalk Redevelopment Agency & Norwalk Public Housing Authority	This collaborative effort addresses the needs of a low-opportunity neighborhood in a comprehensive manner, in-line with the priority needs and goals identified in the Consolidated Plan.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The planning and citizen participation activities for PY43 (July 1, 2017 – June 30, 2018) began in October 2016.

On October 24, 2016, the Notice of Funding Availability was released following two legal notices of its upcoming availability (October 11, 2016 and October 17, 2016). PY43 applications were due on November 22, 2016 and were presented by the applicants at a public meeting of the Planning Committee of the Common Council on January 5, 2017. They were also posted for public viewing on the Agency's website.

Following two legal notices of its upcoming availability (February 9, 2017 and February 16, 2017), the draft PY43 Annual Action Plan (AAP) was available for a 30-day public comment period from February 23, 2017 until March 25, 2017. The AAP was made available online and in hard copy at organizations throughout Norwalk's Urban Core. A public hearing was held on March 2, 2017 at a fully accessible location during the regular meeting of the Planning Committee of the Norwalk Common Council to discuss the Plan. The public hearing was announced in multiple media including legal notices on February 16, 2017 and February 23, 2017.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Hearing	Minorities Non-targeted/broad community Residents of Public and Assisted Housing Applicant organizations	This will be updated in the final copy of the Annual Action Plan	This will be updated in the final copy of the Annual Action Plan	This will be updated in the final copy of the Annual Action Plan	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Comment Period	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community Residents of Public and Assisted Housing Applicant organizations	This will be updated in the final copy of the Annual Action Plan	This will be updated in the final copy of the Annual Action Plan	This will be updated in the final copy of the Annual Action Plan	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

Community Development Block Grants are the only formula grant received by the City of Norwalk. The 2015-2019 Consolidated Plan (ConPlan) estimated the City of Norwalk would receive approximately \$4,495,000 in CDBG funds. The total amount available in PY43 (2017-2018) is \$977,631, leaving \$946,340 available for the remainder of the ConPlan period.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	808,753	40,758	128,120	977,631	946,340	The City will use HUD, CPD funds to increase high quality affordable housing, expand economic opportunities, modernize public facilities and infrastructure, and increase available social services to the residents of Norwalk.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ComPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - local	Other	0	0	0	0	0	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City awards a portion of its annual Community Development Block Grant (CDBG) allocation as grants to local organizations through a competitive process and recommends applicants provide matching funds, \$2/\$1 match for public service programs and a \$1/\$1 match for all other programs. Organizations in receipt of these grants receive support from an array of public and private sources to provide high quality and innovative programming in service of the community.

The Norwalk Redevelopment Agency (Agency) works strategically so that federal funds attract additional funding and spur private development to meet the needs of the community. The Agency leveraged portions of its CDBG award to access additional federal funds; two Section 108 loan guarantees, one providing seed capital to the Economic and Community Development Loan Fund and the other for the Wall Street Theater project. The Norwalk Housing Authority and the Agency were awarded a \$30 million HUD Choice Neighborhood Implementation grant in June 2014 and are leveraging significant public and private resources to reposition the neighborhood to build a better future for current residents and to welcome new households and businesses to the area.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Two City-owned vacant properties will be developed into mixed-income housing for the CNL project described above. Ryan Park in South

Norwalk and Freese Park in the Wall Street area will be redesigned to be more responsive to community needs.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Residential rehabilitation	2015	2019	Affordable Housing	South Norwalk Citywide	Increase high quality and affordable housing	CDBG: \$434,308	Rental units rehabilitated: 437 Household Housing Unit Homeowner Housing Rehabilitated: 2 Household Housing Unit
2	Economic development: technical assistance	2015	2019	Non-Housing Community Development	Wall Street South Norwalk Citywide	Expand economic opportunities	CDBG: \$25,000	Businesses assisted: 4 Businesses Assisted
3	Public facility rehabilitation	2015	2019	Non-Housing Community Development	Wall Street South Norwalk Citywide	Modernize public facilities and infrastructure	CDBG: \$87,500	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2 Persons Assisted
4	Improve public infrastructure: modern & safe	2015	2019	Non-Housing Community Development	Wall Street South Norwalk Citywide	Modernize public facilities and infrastructure	CDBG: \$56,467	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 9843 Persons Assisted
5	Community cleanups	2015	2019	Non-Housing Community Development	South Norwalk	Modernize public facilities and infrastructure	CDBG: \$20,000	Brownfield acres remediated: 8 Acre

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Basic services	2015	2019	Non-Homeless Special Needs	Wall Street South Norwalk Citywide	Increase in available social services	CDBG: \$74,427	Public service activities other than Low/Moderate Income Housing Benefit: 98 Persons Assisted
7	Health & mental health services	2015	2019	Homeless Non-Homeless Special Needs	Wall Street South Norwalk Citywide	Increase in available social services	CDBG: \$21,000	Public service activities other than Low/Moderate Income Housing Benefit: 150 Persons Assisted
8	Housing services	2015	2019	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	Citywide	Increase in available social services	CDBG: \$32,000	Homelessness Prevention: 225 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Residential rehabilitation
	Goal Description	The residential rehab goal is inclusive of single- and multi-unit residential rehab CDBG matrix codes 14A and 14B, respectively; public housing modernization CDBG matrix code 14C; acquisition CDBG matrix code 14G; and housing rehab administration CDBG matrix code 14H.
2	Goal Name	Economic development: technical assistance
	Goal Description	The City will award a competitive grant to an organization in Norwalk that will provide economic development technical assistance to businesses in the area; the CDBG matrix code 18B.

3	Goal Name	Public facility rehabilitation
	Goal Description	The public facility rehab goal is inclusive of senior centers CDBG matrix code 03A; handicapped centers CDBG matrix code 03B; homeless facilities CDBG matrix code 03C; youth centers CDBG matrix code 03D; neighborhood facilities CDBG matrix code 03E; parks and recreational facilities CDBG matrix code 03F; fire stations/equipment CDBG matrix code 03O; and facilities for AIDS patients CDBG matrix code 03S.
4	Goal Name	Improve public infrastructure: modern & safe
	Goal Description	The public infrastructure modernization goal is inclusive of: street improvements, CDBG matrix code 03K; sidewalks, CDBG matrix code 03L.
5	Goal Name	Community cleanups
	Goal Description	The community cleanups goal is inclusive of: cleanup of contaminated sites and neighborhood cleanups, CDBG matrix codes 04A and 05V, respectively.
6	Goal Name	Basic services
	Goal Description	Basic services are inclusive of: senior services CDBG matrix code 05A; youth services CDBG matrix code 05D; and childcare services CDBG matrix code 05L.
7	Goal Name	Health & mental health services
	Goal Description	Health and mental health services are inclusive of substance abuse services CDBG matrix code 05F; services for battered and abused spouses CDBG matrix code 05G; services for abused and neglected children CDBG matrix code 05N; and mental health services CDBG matrix code 05O.
8	Goal Name	Housing services
	Goal Description	Housing services are inclusive of: operating costs of homeless and HIV/AIDS patients programs CDBG matrix code 03T; fair housing activities CDBG matrix code 05J; subsistence payments CDBG matrix code 05Q; security deposits CDBG matrix code 05T; and housing counseling CDBG matrix code 05U.

Table 7 -- Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

Affordable housing will be provided by 5 organizations to an estimated 90 households through housing services, 2 homeowner occupied housing units through residential rehabilitation and 88 rental housing units through residential rehabilitation. All beneficiaries are expected to be of extremely low, low or moderate-income.

AP-35 Projects – 91.220(d)

Introduction

The projects funded in the 2017 Annual Action Plan meet the needs of low- and moderate-income individuals and households. Public service projects comprise 15% of Norwalk CDBG grant and are designed to serve low- and moderate-income individuals and families, including youth, adults, children, persons with disabilities, and the LGBTQ community.

Public facility activities will address building and site improvements to a community center.

Housing activities include rehabilitation projects to public senior housing and housing for homeless families.

Planning and Administration activities will be carried out by the Norwalk Redevelopment Agency which will administer the City's CDBG program.

The City Neighborhoods program includes the continued implementation of the South Norwalk Renovation program through renovation of 4 housing units (2 unoccupied small-multifamily and/or single family homes); provision of technical assistance to 4 businesses; modernization of 1 park; street improvements via the implementation of a wayfinding system; and the assessment of 6 acres of potentially contaminated land.

All projects are defined in accordance with HUD's uncapped income limits.

#	Project Name
1	Public Services
2	Public Facilities
3	Housing
4	Planning and Administration
5	City Neighborhoods

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The activities which support Norwalk's projects, including public service, housing, public facility and public infrastructure activities, are selected through a competitive process. All of the CDBG projects and activities funded in 2017 were chosen because they address the high priority needs identified by the City through the needs assessment.

The greatest obstacle to meeting underserved needs is not enough funds to cover the costs associated with the submitted applications. In PY43, 22 applications were submitted, requesting a total of

\$1,516,915 or 170% of the funds available. Projects selected for CDBG funding were prioritized, in part, on the project applicants' ability to maximize the utilization of non-CDBG funds and services to serve the greatest number of beneficiaries. Following deliberation, six applications were fully funded, thirteen were partially funded and three applications were not funded. The three unfunded applications proposed assisting 310 housing units and providing an area benefit to 9,661 people through the development of a master plan for an urban core park.

Projects

AP-38 Projects Summary Project Summary Information

Table 9 – Project Summary

1	Project Name	Public Services
	Target Area	Citywide
	Goals Supported	Basic services Health & mental health services Housing services
	Needs Addressed	Increase in available social services
	Funding	CDBG: \$127,427
	Description	Public service projects comprise 15% of Norwalk CDBG grant and are designed to serve low- and moderate-income individuals and families, including seniors, youth, children, persons with disabilities, victims of domestic abuse and the LGBTQ community.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	473 people
	Location Description	Various locations throughout Norwalk

Planned Activities	• <u>Higher Education Literacy Professionals - College Edge Program</u>: The College Edge Program is a series of readiness workshops, SAT test preparation lessons, college tours, and private coaching sessions designed to guide students to and through the college application process. \$11,000 • <u>Child Guidance Center Dialectical Behavior Therapy</u>: DBT is an evidence-based treatment designed for adolescents who present with high-risk behaviors (self-injurious behaviors, suicidal ideations, etc.). DBT is designed to increase overall functioning and 'unlock potential' in the adolescents we serve so they can actively participate in their home-life, school, and community; thus, increasing the likelihood that they grow to become independent, self-sufficient adults. \$21,000 • <u>Person to Person - Emergency Assistance</u>: Person-to-Person's Emergency Assistance Program assists low-income clients through their situational crises by providing them with subsistence payments. \$32,000 • <u>Triangle Community Center - Case Management</u>: Triangle Community Center's health and mental health case management services are available to Norwalk's LGBTQ community. \$18,219 • <u>Serving All Vessels Equally (SAVE) - Check and Connect</u> Check & Connect is a program that was developed at The University of Minnesota. This research based dropout prevention program is a comprehensive intervention designed to enhance student engagement at school and learning for marginalized and disengaged students through relationship building, problem solving and capacity building. The Check component is designed to continually assess student engagement through close monitoring of student performance and progress indicators. The Connect component involves staff giving individualized attention to students, in partnership with school personnel, family members, and community service providers. \$17,000 • <u>Saturday Academy- Cryptography</u>. Teaching students about cryptography makes them aware of basic notions of encryption, helps prepare them for jobs in STEM fields in which data security is important, and makes them aware of cryptography as a career choice. And, because of the mathematical nature of the subject and the natural interest surrounding secret messages, cryptography is also a hook for learning and applying mathematics. \$15,820
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		• <u>Hair Tech Beauty and Barber Academy - Barber Academy Life Skills - Vincent Grant</u>, owner/operator, opened Hair Tech Beauty & Barber shop in 1993 in S. Norwalk. Hair Tech is looking to continue efforts to empower those most disadvantaged by providing opportunities to enter into a profession that will create life changing paths and elevate the economic conditions of families. The Academy will prepare students with the State required 1,000 hrs. necessary to take the licensing exam. \$12,388
2	Project Name	Public Facilities
	Target Area	
	Goals Supported	Public facility rehabilitation
	Needs Addressed	Modernize public facilities and infrastructure
	Funding	CDBG: \$87,500
	Description	Public facility activities will address building and site improvements to a community center.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	3,437 people who use the facility each year
	Location Description	7 Academy Street
	Planned Activities	• <u>Carver Foundation of Norwalk - Facilities Project-HVAC Replacement Phase 3</u> The Carver Center will complete phase 3 of the project to replace the building's HVAC and duct system for the first floor of the building. These renovations will make the center more energy efficient. Carver Center's programming includes free after-school programming, an affordable summer camp, GED and ESL classes, recreation programs and community events. \$87,500
3	Project Name	Housing
	Target Area	

Goals Supported	Residential rehabilitation
Needs Addressed	Increase high quality and affordable housing
Funding	CDBG: \$184,452
Description	Increase high quality and affordable housing opportunities through residential rehabilitation
Target Date	6/30/2018
Estimate the number and type of families that will benefit from the proposed activities	90 households
Location Description	Various locations throughout Norwalk

Planned Activities • <u>HomeFront - Home Revitalization</u>: HomeFront will perform critical home repairs and improve handicap accessibility for two very low income homeowners in Norwalk. \$15,000 • <u>Rowayton Senior Housing - Hill Top Homes Windows</u>: The project is one of several projects being undertaken to reduce the carbon footprint and reduce electrical costs. This project will benefit low-income seniors residing at Hill Top Homes, an affordable apartment community for seniors with 24 rental units in Norwalk. The facility needs to replace its 1980's vintage heating units which are inefficient compared to more modern energy efficient heat pumps. The goal of this project is to ensure renters' comfort and to achieve significant savings in electrical energy costs. \$45,000 • <u>Open Door Shelter - Family Housing Renovations</u>: The renovation of four supportive housing units for homeless families in a multi-family house located at 143 S. Main St. in South Norwalk. Renovations include heating systems, plumbing updates, a new roof and updates to the interior. This building is close to other properties and shelter services (food, health care, clothing and case management). \$100,000 • <u>Norwalk Housing Authority - Irving Freese ADA Improvements</u>: The project will provide enhanced access and accommodation through the installation of automatic doors at the community center and at 3 common building entry doors. This will make access and egress far easier for all and is especially important in times of emergency. This project will provide easy access to under-served populations including handicapped individuals, senior citizens, and visiting family members/friends including guardians, mothers with small children, other seniors or handicapped persons. \$24,452	
4	Project Name Planning and Administration
	Target Area Citywide

Goals Supported	Residential rehabilitation Economic development: technical assistance Public facility rehabilitation Improve public infrastructure: modern & safe Community cleanups Basic services Health & mental health services Housing services
Needs Addressed	Increase high quality and affordable housing Expand economic opportunities Modernize public facilities and infrastructure Increase in available social services
Funding	CDBG: \$208,044
Description	Planning and Administration activities will be carried out by one subrecipient which will coordinate the administration of the City's CDBG program.
Target Date	6/30/2018
Estimate the number and type of families that will benefit from the proposed activities	The administration of the CDBG program will benefit each of the 35,450 households in the City of Norwalk.
Location Description	The administration of the CDBG program will take place out of City Hall - 125 East Avenue, room 202.
Planned Activities	Norwalk Redevelopment Agency - CDBG Planning & Administration: The Agency will administer the City's CDBG program for the 2017-2018 fiscal year.
5 Project Name	City Neighborhoods
Target Area	

Goals Supported	Residential rehabilitation Economic development: technical assistance Public facility rehabilitation Improve public infrastructure: modern & safe Community cleanups
Needs Addressed	Increase high quality and affordable housing Expand economic opportunities Modernize public facilities and infrastructure
Funding	CDBG: \$351,323
Description	The City Neighborhoods program includes the continued implementation of the South Norwalk Renovation program through renovation of 4 housing units (2 unoccupied small-multifamily homes); provision of technical assistance to 4 businesses; modernization of 1 park; street improvements via the implementation of a wayfinding system; and the assessment of 6 acres of potentially contaminated land.
Target Date	6/30/2018
Estimate the number and type of families that will benefit from the proposed activities	It is estimated that at least 9,833 people will benefit from the proposed activities.
Location Description	The City Neighborhoods project targets Norwalk's urban core census tracts of 434, 437 and 441.
Planned Activities	<u>Norwalk Redevelopment Agency - City Neighborhoods</u>: The City Neighborhoods program consists of the following projects in PY43: continued implementation of the South Norwalk Renovation program through renovation of 4 housing units (2 unoccupied small-multifamily homes, both of which are in the CNI area); provision of technical assistance to 4 businesses (2 of which are within the CNI area); implementation of the Freese Park master plan; street improvements via implementation of a wayfinding system, streetscaping and lighting of four underpasses; and the assessment of 6 acres of potentially contaminated land.

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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City will allocate CDBG funds to assist low-income neighborhoods and individuals throughout the City. Within the City there are two geographic areas of critical need, which are the focus of extensive ongoing planning and redevelopment efforts. These areas are Wall Street Redevelopment Area and South Norwalk.

Per HUD's definition and since June 2004, the Wall Street Redevelopment Area of Norwalk has been determined to be "deteriorated, substandard or detrimental to the safety, health, morals or welfare of the City". Wall Street is the northern anchor of Norwalk's urban corridor. Approximately 94% of residents in the Wall Street Redevelopment Area are low/moderate-income.

South Norwalk is the southern anchor of Norwalk's urban corridor. Within the South Norwalk neighborhood is HUD's "Choice Neighborhood," bounded to the north by Washington Street, the east by Water Street, the south by Concord Street and the west by Dr. Martin Luther King, Jr. Drive. South Norwalk, specifically, the Choice Neighborhood, was severely damaged by flooding caused by Superstorm Sandy, resulting in the need to replace the Norwalk Housing Authority's (NHA) Washington Village complex. The NHA and the Agency were awarded a \$30 million HUD Choice Neighborhood Implementation grant to build a new development replacing the Washington Village units, adding mixed-income and market rate units to the project and other community improvements.

Geographic Distribution

Target Area	Percentage of Funds
Wall Street	6
South Norwalk	40
Citywide	57

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Wall Street and the Choice Neighborhood have experienced an extended period of social and financial divestment resulting in abandoned and poorly maintained properties. These conditions have cultivated the perception that the area is distressed and have detracted from residents' experiences. There are valuable assets and new projects in South Norwalk and Wall Street and continued and significant community and financial resources are required in order to fully capitalize on the investments being made in these areas.

The 6% of HUD entitlement funds distributed to the Wall Street area will be leveraged by a HUD

approved \$1.6 million Section 108 loan for the redevelopment of the Wall Street Theater.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Increasing the number of high quality and affordable housing is a high priority in the City of Norwalk. Sufficient amounts of affordable housing in a community can have multiple positive impacts on lower-income households, including housing choice and the opportunity to save money and build financial security. HUD's 2007-2011 Comprehensive Housing Affordability Strategy (CHAS) data show housing need is most prevalent among the extremely low-income group (at or below 30% AMI), which is also the group most at risk of losing their housing because of cost burden. The age of the housing stock in Norwalk has implications for the need for housing rehabilitation and lead abatement. Housing needs and qualities are analyzed in discussed in more detail in the Needs Assessment and Market Analysis sections of the Consolidated Plan. Housing activities include a home revitalization project which will repair 2 owner-occupied homes and an energy efficiency initiative at a senior living facility which offers 26 rental units. The City Neighborhoods project will renovate an additional 2 homeowner units and 2 units of rental housing.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	32
Special-Needs	0
Total	32

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	32
Acquisition of Existing Units	0
Total	32

Table 12 - One Year Goals for Affordable Housing by Support Type

AP-60 Public Housing – 91.220(h)

Introduction

The Norwalk Housing Authority (NHA), the principal provider of assisted housing in the City has 1,077 public housing units and 715 housing choice vouchers. The NHA forms strategic partnerships with the City and nonprofits to serve its residents.

Actions planned during the next year to address the needs to public housing

With City of Norwalk Capital Budget funding, the NHA plans on addressing the following in its developments (with the exception of Washington Village): health and safety issues and meeting ADA requirements; heating systems; other needs, with priorities to older properties.

The NHA, partnering with the Norwalk Redevelopment Agency, was awarded a Choice Neighborhood Implementation grant in 2014 for South Norwalk. The Choice Neighborhood Initiative (CNI) project represents the largest capital improvement for the NHA in 2016. The development will replace 136 units of housing at Washington Village (an NHA family development) with 273 units of mixed income housing. When finished, the development will include a Community Center and a resource center.

According to the Norwalk Housing Authority's (NHA) FY2016 Annual Plan, the NHA intends to explore all opportunities including voluntary conversion, demolition and disposition, financing and funding sources for the improvement and stabilization of Roodner Court, Colonial Village and Leroy Downs, including RAD (Rental Assistance Demonstration).

The NHA and Vesta Inc., acting through their respective limited liability corporations, formed a joint venture to purchase and rehabilitate Cedar Court at 92 Cedar Street which has 92 senior apartments to maintain and increase long-term housing affordability. This will also support the NHA's FY16 Annual Plan Goal #3: Increase Assisted Housing Choices.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The NHA has a resident advisory board (RAB) with membership of 18 to 22 people. On occasion, a member resigns or leaves the NHA and a volunteer member is recruited to fill the vacancy. The RAB meets at least quarterly and is briefed by the NHA staff on changes to policy and improvements to the housing developments. In addition to the RAB, the NHA Board of Directors has a resident representative, and each development has a resident group that meets three to four times a year or as needed. Each of these groups participated in the formulation of the Five Year Plan for the NHA which was completed in 2014.

Goal #4 of the NHA's FY16 Annual Plan is to "Promote Self-Sufficiency of NHA Customers". The NHA

works to encourage self-sufficiency, reduce dependency and help break the cycle of poverty. The NHA has over 100 participants in the targeted Family Self-Sufficiency program. This program serves a range of households with programs ranging from managing finances to establishing careers and improving employment.

For the CNI, the NHA and its consultants will reach out continuously to Washington Village residents to keep them engaged in the development of the replacement units. The NHA will implement a general "people plan" that includes a broad network of community partners. The total CNI funded commitment for the "people plan" is over \$4 million, leveraging over \$18 million. For instance, the Norwalk Community College and Workforce Inc. will provide educational and workforce training opportunities to Washington Village residents that could lead to an income level that would support homeownership.

Supported by the CNI, the NHA will help Washington Village residents become economically self-sufficient and more able to meet their personal wellness goals. Key partners include Norwalk Community College, Career Resources, Inc., Norwalk Community Health Center, Day Street Health Center and Norwalk Hospital.

Other goals of the NHA's FY16 Annual Plan are to "Promote Education of NHA Participants" and "Promote Fair Housing and Equal Opportunity." In fulfilling these goals, the NHA encourages residents to become more involved in management and participatory in homeownership.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The PHA is not designated as troubled.

Discussion

The Norwalk Housing Authority (NHA) continually evaluates the needs of residents and institutes program initiatives to meet those needs. Those efforts include programs often found at housing agencies, like the Family Self-Sufficiency program. In addition, the NHA reaches out with programs not normally found at housing authorities.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Norwalk is not a direct recipient of Emergency Solutions Grant (ESG) or Housing Opportunities for Persons with AIDS (HOPWA) funds. The City's Director of Fair Rent/Human Relations is the co-chair of the Opening Doors of Fairfield County Continuum of Care (CoC). The Agency works closely with social service providers in the City. The City has awarded CDBG grants and loans in support of efforts to prevent and end homelessness and meet the needs of non-homeless people with special needs. Through the CDBG goals for basic, health and mental health and housing services and employment training the City will support homeless housing and service providers to prevent and end homelessness. The Agency will continue to support social service providers in the City, financially and as a collaborative partner, in the coming year.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The members of the CoC will continue working together to reach out to homeless persons and assess their needs. Homeless and special needs housing and service providers, the Norwalk Police Department and local businesses have joined the SoNo Alliance and are connecting unsheltered homeless people with services through information and transportation. To ensure housing first, United Way's 2-1-1 call center and homeless housing and service providers will continue to conduct initial assessments with people in need followed by the Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SPDAT) assessment when people are housed.

Addressing the emergency shelter and transitional housing needs of homeless persons

Open Door Shelter, Malta House and 40 South Main, the emergency shelter and transitional housing providers in Norwalk, respectively, will continue to provide comprehensive services to their clients. It is the CoC's policy that no funded program (CoC or ESG) contracted to serve families may deny admission to any family with a child under 18 or to any member of the family.

The Domestic Violence Crisis Center will continue operating its Norwalk SafeHouse emergency shelter for survivors of domestic violence.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals

and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Homeless housing and service providers in Norwalk will continue to help homeless persons make the transition into permanent housing and independent living by implementing the strategies established by the CoC. These strategies will continue to include diversion when possible; prioritizing placement of households into permanent housing by length of time homeless; working with partners such as the Agency and the Norwalk Housing Authority to facilitate access to affordable housing and preventing relapses into homelessness by connecting clients to the appropriate service and following up with clients on a regular basis until it is determined that support services are no longer required.

The Norwalk Housing Authority has designated a number of Section 8 Housing Choice Vouchers to homeless individuals and families.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Homeless housing and service providers in Norwalk will continue to be partners by participating in planning and coordinating activities through the CoC.

The City uses CDBG monies to support anti-poverty programs which help get households on the road toward financial security in order to avoid homelessness. The Agency will provide technical assistance to area businesses and employment training programs which will work in concert to strengthen and grow the job market and develop a qualified workforce. The Agency will continue the South Norwalk

Renovation Program in order to increase the number of affordable housing units on the market.

Discussion

One year goals for the number of households to be provided housing through the use of HOPWA for:
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

While it does not involve a public policy, the greatest barrier to affordable housing in Norwalk is the general market condition and the cost of housing. Norwalk uses all possible sources of funding and leverage to create and preserve affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Choice Neighborhood Initiative (CNI) is an example of the City's work to overcome expectations for a return on private investment for housing, and the general condition of the housing market. By combining resources, including the CNI grant of \$30 million, housing tax credits and other resources, the City and the Norwalk Housing Authority can offer an attractive investment for housing development. The CNI will feature a mixed income housing development of 273 units, including 136 replacement units for Washington Village, which will be owned and managed by Trinity Financial.

Land use and building regulations in Norwalk have overcome impediments to affordable housing allowing and promoting such innovations as accessory apartments. For the "inclusionary zoning" benefits for affordable housing, the development has to be located in the City's urban core. The City will examine the extension of the requirement to other areas in the City.

The City will consider changes to its Housing Code (Chapter #59-9) which defines rooming houses as three unrelated individuals living together and includes extensive requirements for certifying/permitting a rooming house. Agencies assisting people with disabilities contract with owners of residential buildings to house people with disabilities; however, the requirements for obtaining a rooming house permit create an impediment to housing people with disabilities.

AP-85 Other Actions – 91.220(k)

Introduction

Actions planned to address obstacles to meeting underserved needs

The City of Norwalk will continue to work to meet the needs of the community, including continued implementation of its Language Access Plan.

Actions planned to foster and maintain affordable housing

Through a mix of funds, including a HUD Choice Neighborhood Implementation grant and State and private resources, an increasing number of new affordable rental and ownership units will be made available over the next year and in the following three years for extremely low-, low- and moderate-income households.

The City will continue implementing its inclusionary zoning ordinance which requires new, converted or renovated housing developments in the Urban Core to make 10% of their housing units affordable to persons of very-low, low and moderate income once 20 or more units have been built. Additionally, the City will consider expanding the geographic scope of this ordinance beyond the Urban Core.

Norwalk Redevelopment Agency's (Agency) South Norwalk Renovation Program will acquire and rehabilitate unoccupied multi-family residential properties (two-four family) within a half-mile of the South Norwalk Train Station. The rehabilitated homes will be sold to owner-occupants earning up to 80% of the Stamford-Norwalk Area Median Income. Rental units will be restricted to households earning up to 50% of the AMI. Deed restrictions will be in place for 20 years. Counseling, landlord training and down payment assistance will be administered in partnership with the Housing Development Fund.

Actions planned to reduce lead-based paint hazards

Norwalk Housing Authority (NHA) will address lead based paint (LBP) hazards and increase access to housing without LBP hazards through the replacement of all 136 units of Washington Village apartments. When Washington Village was built in the late 1930s, lead paint was still in use.

The Agency will continue rehabilitating units in the South Norwalk area. When these affordable housing units are finished, they will be free of LBP hazards. All housing developments supported by the Agency,

in South Norwalk or elsewhere in the City, will be without LBP hazards.

Actions planned to reduce the number of poverty-level families

The Choice Neighborhood Initiative (CNI) will provide intensive case management to connect residents of the Norwalk Housing Authority (NHA) with services and programs that will help achieve their goals. Key partners include Norwalk Community College, Career Resources, Inc., Norwalk Community Health Center, Day Street Health Center and Norwalk Hospital. The plan also includes educational improvements and reforms. The NHA's scholarship program assists NHA residents to continue their education after high school.

The Agency will provide technical assistance to area businesses and employment-training programs, which together will strengthen and grow the job market by developing a qualified workforce.

The Economic and Community Development loan fund will provide capital to projects with positive economic and community development benefits within the City of Norwalk's Urban Renewal Areas, expanding job opportunities.

Actions planned to develop institutional structure

Opening Doors of Fairfield County Continuum of Care (CoC) provides structure to the organizations which comprise the homeless institutional delivery system.

Actions planned to enhance coordination between public and private housing and social service agencies

The Choice Neighborhood Initiative will significantly enhance coordination between public and private housing as the development will include replacement public housing units, workforce housing units and market rate units mixed together with all units designed to the same standards, regardless of the resident's income level.

The CoC will continue to be the main organization by which social service agencies coordinate and collaborate.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	40,758
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	40,758

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

**CITY OF NORWALK
PLANNING COMMITTEE OF THE COMMON COUNCIL
REGULAR MEETING
MARCH 2, 2017**

ATTENDANCE: John Kydes, Chair; Shannon O'Toole-Giandurco, Doug Hempstead, Tom Livingston, John Ignieri, Faye Bowman, Travis Simms

STAFF: Tami Strauss, Community Development Planning Director; Elizabeth Stocker, Economic Development Director

OTHERS: Warren Peña, South Norwalk Community Center; Katherine Villanueva, the SoNoCC Chief Operating Officer; Ms. Mellodye "Sweets" Ragin, SoNo Entertainment and Recording Studio; Donut Ragin, SoNo Entertainment and Recording Studio; Peter Propp, Northeast Community Innovation Corporation.

CALL TO ORDER.

Mr. Kydes called the meeting to order at 6:43 p.m.

ROLL CALL

Mr. Kydes called the roll. A quorum was present.

**PUBLIC HEARING
Regarding Draft PY 43 Annual Action Plan.**

Mr. Kydes opened the public hearing on the Draft PY 43 Annual Action Plan at 6:44 p.m.

Mr. Warren Peña from the South Norwalk Community Center (SoNoCC) came forward to address the Committee. He thanked the Committee for their support in the past. He said that there had been a tremendous amount of renovations going on in the building in the past three years including the addition of three classrooms and five new bathrooms, one of which is handicapped accessible. There were also some remodeling of two other bathrooms, the atrium and the addition of a reception area.

Mr. Peña said that there had been a number of questions about the building and reminded everyone that they had applied for grant funding three times in the past five years. The last two grant cycles, they did not request funding. He apologized for the fact that there was no one present at the February meeting. Mr. Peña explained that he was out of town on business and that Ms. Villanueva, the SoNoCC Chief Operating Officer, had been out of the office because of illness.

Mr. Peña said that he wanted to clarify some misunderstandings. The SoNoCC is currently occupying some space on the second floor temporarily because of the construction work going on. Once the work is completed downstairs, the SoNoCC offices will move back downstairs again. The second floor will be available for the City to use.

He added that once the City settles the bankruptcy situation, the SoNoCC and the City will be co-owners of the building and have use of the second floor.

Currently the request is for working on the reception area to install a seating area. This would be important in understanding the pulse of the building and also add four administrative offices. This will reconfigure the area and make it friendly and a warmer environment for the constituents that they serve.

He asked that the Committee reconsider the request because this is the last phase of the work that has to be done on the building.

Ms. Villanueva came forward to speak about the various programs that the SoNoCC offers, including housing applications, translation services, 12 step programs, reading programs, ESL programs and summer programs for children. There is also the ability to provide space for the community to hold events there.

Mr. Livingston said that he and Mr. Igneri had stopped by the Center and had been impressed by the level of activity that was going on there. He said that he particularly appreciated the tax program.

Mr. Hempstead asked if there was a materials vs. labor breakdown. He mentioned that there were still uncertainties with NEON and the bankruptcy. Having the new classrooms is a positive thing, but the bankruptcy issue has dragged out for 2 1/2 years.

Mr. Peña said that he would like to update everyone on the bankruptcy issue. He went on to say that there had been many talks with the YMCA utilizing the second floor and he believed it would go to an RPF. Regarding the bankruptcy situation, there has been a tentative settlement agreement with the bankruptcy trustee for a year and a half. The City needs to act on this within the next month, otherwise the settlement will not go through. If the agreement is confirmed, SoNoCC will be co-owners of the building with the City. Mr. Peña said that he believed that the agreement would work out.

Mr. Kydes said that the agreement was for a partnership for the entire building. Mr. Peña agreed and said that historically, the SoNoCC was operating on the first floor and NEON had the second floor. He then gave an overview of the history and said that while the Y was the only serious group that was considering the second floor, the new operating agreement would allow for the second floor tenant to have access to the first floor

classrooms while the SoNoCC could have use of the second floor conference room as needed.

Mr. Kydes thanked Mr. Peña and Ms. Villanueva for their presentation.

Ms. Mellodye "Sweets" Ragin of the ChoZen Few Entertainment L.I.F.T Digital Music program came forward to address the Committee with her partner, Donut. She thanked everyone for their past help. She said that they desperately needed funding this year because the LIFT Program just gained traction with the community. The NAACP just awarded the LIFT Program the Entertainment of the Year award. Ms. Ragin said that the LIFT program had trained the student who presented the award in many of the technical issues. The request was for 20 students, but they would be happy with any funding they received. For 10 years, the group managed to present the program using their own funding and their own equipment but they need financial assistance.

The funding will be used to produce a Public Service Announcement (PSA). Last year, the PSA was on non-violence and the previous year it was on Distracted Driving and Texting. This year, the focus would be "Identically Different", which would highlight the commonality between groups that may be diverse. It is important with all the political issues to remind people that we are all still one group. The video was premiered at the South Norwalk Movie Theater at the end of the summer. Some of them are also on the SoNo Entertainment.com program Facebook page.

Ms. Ragin then spoke about the NAACP Entertainment Award they recently received for the work that they did in the Community with the LIFT Program and other outreaches such as the May 27th fund raising Father/Daughter dinner at Stepping Stones. Last summer, they were able to have a LIFT carnival for the first time. She mentioned that they were able to go to Newtown to make the students there smile. She mentioned the possibility of having a Ferris wheel along the Norwalk River.

Ms. Ragin then spoke about Jessica Washington, who is now able to work in the fashion industry in New York. She got her start through the LIFT program and additional information about Ms. Washington is on the website.

Ms. Bowman asked if they would be willing to accept some limited funding. Ms. Ragin said that they would. If they have to scale back the program, they will see what they can do. She said that she just wanted to keep the community smiling about the projects.

Mr. Hempstead asked for clarification on the previous projects. Ms. Ragin said that one was called "One Bullet, Nine Lives" and "Distracted Texting and Driving". Donut said that if anyone present was interested in acting in any of the videos, they would be welcomed. The Norwalk Police Department assisted in one of the videos.

Mr. Livingston asked how many students were participating in the program. Ms. Ragin said that there were a solid 20 students. They are hoping to expand the program.

Mr. Kydes asked if the funding would be used to produce the video and the students would be participating in the video. Ms. Ragin said that this was so. It is important to see everyone on the big movie screen because their family and friends will be watching. This is done during the afterschool and during the summer. Donut said that they were talking to various groups about developing an after school program, but it is primarily done during the summer months of July and August. The program was designed to keep the kids occupied during the summer. They also work with the parents to encourage the students to come. Mr. Simms pointed out that the students are learning the ins and outs of the various tasks. Ms. Ragin said that they have placed students with the Palace Theater as a Public Assistant (P.A.) for the day.

Mr. Kydes asked what the ages of the students were. Ms. Ragin said that they ranged from 6 years old through high school. The goal is to encourage people to be more responsible and to make sure the older students realize the younger ones are looking up to them.

Mr. Kydes thanked Ms. Ragin for their presentation.

**** MR. HEMPSTEAD MOVED TO CLOSE THE PUBLIC HEARING.
** THE MOTION TO CLOSE THE PUBLIC HEARING PASSED
UNANIMOUSLY.**

The public hearing closed at 7:15 p.m.

APPROVAL OF MINUTES

January 26, 2017 Regular Minutes

**** MR. KYDES MOVED THE MINUTES OF JANUARY 26, 2017.
** THE MOTION TO APPROVE THE JANUARY 26, 2017 REGULAR
MINUTES PASSED WITH FIVE IN FAVOR (KYDES, IGNERI, LIVINGSTON,
O'TOOLE-GIANDURCO AND SIMMS) AND TWO ABSTENTIONS (BOWMAN
AND HEMPSTEAD).**

January 30, 2017 Regular Meeting

The following correction was noted:

Page 1, under **ATTENDANCE**: please change "Sharon O'Toole-Giandurco" to "Shannon O'Toole-Giandurco"

Mr. Hempstead requested that these minutes be tabled to verify his attendance at the meeting.

**** MR. KYDES MOVED TO TABLE THE JANUARY 30, 2017 REGULAR MINUTES.**

**** THE MOTION TO TABLE THE JANUARY 30, 2017 REGULAR MINUTES PASSED UNANIMOUSLY.**

February 2, 2017 Regular Meeting

**** MR. KYDES MOVED THE MINUTES OF FEBRUARY 2, 2017 REGULAR MEETING.**

**** THE MOTION TO APPROVE THE JANUARY 26, 2017 REGULAR MINUTES PASSED WITH SIX IN FAVOR (BOWMAN, HEMPSTEAD, KYDES, IGNERI, LIVINGSTON, O'TOOLE-GIANDURCO AND) AND ONE ABSTENTIONS (SIMMS).**

BUSINESS.

**** MR. HEMPSTEAD MOVED TO SUSPEND THE RULES TO ADD AN ITEM TO THE AGENDA.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Stocker, the Redevelopment Economic Development Director and Mr. Propp, the Chief Marketing Officer for the Stamford Innovation Center came forward to address the Committee.

Mr. Kydes said that there was a grant that Ms. Stocker and the Redevelopment Agency had been working on and this item was referred to the Committee.

Ms. Stocker thanked the Committee for adding this to the Committee agenda. She introduced Mr. Propp, who is working with the Northeast Community Innovation Corporation (NCIC) regarding an implementation grant for the City of Norwalk. She directed everyone's attention to the information packet and the copies of the previous planning grant that was awarded for formulating and discovering whether Norwalk has the infrastructure available to promote the State project. This project is coming through CT Next, which is the Innovation arm for CT Innovations. CT Innovations developed this program two years ago and the legislation passed in the spring of 2016.

Mr. Propp and his partner wish to submit an application for an implementation grant and this requires a support letter from the Mayor. In order to obtain this letter, it would require the Council's approval. There are no costs that are involved.

Mr. Livingston asked for clarification on the two grants. Ms. Stocker said that there were in fact, two grants involved. Mr. Propp explained that the State passed a bill in May or

June asking municipalities to submit a planning grant proposal. That is the grant proposal that was submitted and awarded. That is funding that is currently being used to assess the various opportunities, resources and capabilities for Norwalk.

Mr. Livingston asked if CT Innovations was involved. Mr. Propp said that they were the ones that granted the funds. Mr. Livingston asked if they would be involved in the future. Mr. Propp said they would be.

Mr. Livingston asked what the group planned to do with the funding if they received it. Mr. Propp said that they were in the process of deciding that because they were focused on a few different industries where they could see some start up ideas and the creation of jobs in Norwalk. Mr. Livingston asked if they would set up an incubator space. Mr. Propp said that it was a possibility and the Stamford Innovation Center had done this. If it works out, they will be generating interesting conversation about making downtown more exciting. Mr. Livingston said he was familiar with the concept through his work at Yale Entrepreneur Institute, and felt it was a wonderful idea.

Mr. Kydes asked Mr. Propp if they would be working in collaboration with the Redevelopment Agency. Mr. Propp said that they work together all the time. Mr. Kydes wished to know if the Agency would be presenting these projects for approval.

Ms. Bowman said that they had received the grant for planning. Mr. Propp said that they had. Ms. Bowman said that this meant there was some kind of plan in place. Mr. Propp said it was about gathering ideas and connecting people. Food and beverages have developed in Norwalk in the past and this is an area of interest. He said that they did not know what the plan was just yet but they were starting to work through it. The final plan is due on April 1st and they were developing the elements of the plan. One part of the process was to obtain a letter of support from the Mayor. Ms. Bowman said that the Committee would like to see the plan.

She then asked who would be part of the planning group. Mr. Propp said that as they developed the ideas, it would include people from the private sector, people from the public sector, people who have an interest in the various industries and also those interested in developing downtown. He said that he would be happy to share the information with them. Ms. Strauss clarified that the Committee wanted to see the plan before she voted to approve the letter of support.

Ms. Bowman said that there were a variety of people who had interests in South Norwalk, such as herself and Mr. Simms, but they don't have much information about this. Ms. Bowman said that she had questions about the five member steering committee, which she felt was too small. She also asked if there were tax breaks involved. She was told there were no taxes breaks involved.

Ms. Bowman said that the Committee needed to see the Plan and be kept informed. She said that the Committee may not agree with parts of the plan and gave an example of a recent problem with the Parking Authority. Mr. Propp said that a conversation would be great and that as more of the plan falls into place, it would become more clearly defined. Ms. Bowman said that she would be interested in seeing a draft.

Mr. Kydes said that it sounded like this had been going on for a while. Ms. Stocker said that the grant was only approved in October and CT Innovations just got involved in January. A draft application was submitted on March 1st. Ms. Stocker spoke about an "Idea Gym" at Stepping Stones that was held at Stepping Stones and was well attended. Mr. Propp said that the State wants the groups to be very excited about this program and mentioned that the Wall Street Theater may be involved.

Mr. Kydes asked if the group would be coming back to the City for funding to implement the plan. Mr. Propp said that there were not be any costs to the City. In the future, as they explore opportunities, it may change, but there is no financial obligation at this time.

Mr. Hempstead said that he would like some clarification. He asked who was involved in the group. Mr. Propp said that he was involved in a newly created non-profit corporation, the Northeast Community Innovation Corporation (NCIC), to do projects like this. He said that they had given the Mayor a quick presentation and suggested that the City become involved in this.

Mr. Hempstead asked if the previous grant funding was paying Mr. Propp to apply for the next grant. Mr. Propp said that the previously awarded grant they received was allowing them to apply for the grant funding for implementation of the plan under development. Discussion followed about those involved in developing this venture, including Ms. Bradley from the Norwalk Library, someone from Norwalk Community College, the theater, the Redevelopment Agency and others.

Mr. Hempstead asked if there was any information about the group. Ms. Stocker said it was in the information packet she handed out.

Mr. Hempstead said that NCIC was asking for a letter in order to apply for State grant funding. Ms. Stocker said that they were looking for the Council's support to apply for the Innovations grant for Norwalk. First, they issued Planning Grants. Twelve communities were awarded planning grants. The next stage is for implementation.

Mr. Hempstead asked how the individuals were chosen. Mr. Propp said that they were chosen because they were anchor institutions. Ms. Stocker added that CT Next set forth the requirements for choosing the steering members. It is a collaboration of the different groups.

Mr. Simms said that he would like clarification on the process that the small businesses who would need these services would be required to perform. Mr. Propp said that there would be an innovation program on March 30th, and the businesses were welcomed to attend. The legislative bill sets aside 25 million over the next five years for this program. The goal is for Norwalk to compete for this money.

Mr. Simms asked where the funding was for running the program or if NCIC was going to ask the City to provide space to run the program. Mr. Propp said that they were not asking for space at this time nor was it their intent to do so.

Mr. Igneri asked for simplification about planning. He then asked them to give an overview of what an innovation plan was. Mr. Propp said that five years ago, the State had created a Jobs Bill and out of that, the Innovation program started to help people create jobs. The State then focused on creating the investments in downtowns.

Ms. O'Toole-Giandurco asked if the Committee could get a copy of the draft that was submitted on March 1st. Mr. Propp said that he did not have it with him. The draft that was submitted was a technical draft and subject to change. He said that he would like to schedule a time to talk to the Committee about the basis entrepreneur concepts.

Mr. Livingston said that he had worked with CT Innovations and CT Next, so for him, it was a "no brainer". He said that he felt the City should jump at this, but understood that people were not familiar with the process and what was involved. He said that he was willing to work with CT Innovations to create a presentation that would answer the questions. This would help the City encourage businesses to start and develop.

Mr. Simms said that while it sounds nice, however, he pointed out that it sounded like the Redevelopment Agency was already entrenched with the program and were pushing the agenda. Mr. Simms said that he would like to see some transparency because this did not set a good precedence with the information coming in so late and the pressure to approve the plan without seeing it. He said that he would like to look at this more in depth and what the City would be on the hook for. Having a timeline for the grant application is not enough to just approve it. He said that he was apprehensive about this. While it might be cutting edge, he said that he would like more back up before he would give it his support.

Mr. Propp said that the deadline was April 1st, so for him, there was plenty of time, but for the Committee members it was different. However, without the letter, they would not be able to file. Ms. Stocker pointed out that the application was just released to them three weeks earlier and she just read the application herself last week. This is a very fast paced environment. Prior to that, the information was simply not available.

Mr. Simms said that the April 1st deadline was fast tracking the proposal. He then asked how far in advance did the group need the letter before the deadline. Ms. Stocker said that once the Council had approved it, the Mayor could sign the letter.

Mr. Hempstead pointed out that almost everyone on the Planning Committee were members of the Finance Committee. He suggested that the Planning Committee schedule a meeting before the Finance Committee on March 9th. Discussion followed.

Ms. Bowman pointed out that this was a implementation grant for a plan that they have not seen. She said that there are statements that a proposed plan is just a written draft and then when it comes before the Council for approval, it can't be changed because it is "in the plan". This is why the Committee members need to see the draft plan. She asked that it be emailed to the Committee so they can review it. Mr. Hempstead requested that they get a simple flowchart.

**** MR. HEMPSTEAD MOVED TO REQUEST THE CHAIRMAN TO
SCHEDULE A SPECIAL MEETING FOR THE PLANNING COMMITTEE ON
THURSDAY, MARCH 9, 2017 AT 6:30 P.M. IN THE COUNCIL CHAMBERS.
** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. O'TOOLE-GIANDURCO MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

PUBLIC COMMENT

DATE: Wed 1/4/2017 4:15 PM

FROM: Cece, Diane (dmcece@aol.com)

TO: Strauss, Tami (tstrauss@norwalkct.org)

CC: Sheehan, Tim (tsheehan@norwalkct.org)

SUBJECT: Questions on CDBG PY43 2017

Hi Tami, happy new year!

I'm sure I'll have a few more after the PC meeting tomorrow, but I have questions on three of the PY43 CDBG applications:

Hair Tech Beauty and Barber Academy:

-Can you find out the name under which this business is listed with the State of Connecticut? I can't find anything under this name.

-Though not funded in the past 5 years, has the city ever funded them before under CDBG program? If so, when and how much?

North Guilford Studios:

-This company appears to have formed/incorporated in November 2016, shortly before CDBG applications were due. I believe their two members are employees of the city. Though not elected officials, does this prevent them from seeking taxpayer funds?

Norwalk Redevelopment Agency - City Neighborhoods

-Who are the (4) businesses under "provision of technical assistance"?

-Where are the "6 acres of potentially contaminated land"?

Thanks, as always, for your help.

Diane

DATE: Fri 1/13/2017 9:39 AM

FROM: Cece, Diane (dmcece@aol.com)

TO: Strauss, Tami (tstrauss@norwalkct.org)

SUBJECT: CDBG conflict of interest inquiry

Good morning Tami,

Any update yet from Mario Coppola regarding the CDBG application from North Guilford Studios? I think the original inquiry from the applicant or staff dates back to late November or early December.

Thanks,

Diane

DATE: Tue 1/17/2017 6:36 PM

FROM: Cece, Diane (dmcece@aol.com)

TO: Strauss, Tami (tstrauss@norwalkct.org)

SUBJECT: another question on CDBG process...

Hi Tami,

I was wondering why the Planning Committee of Council holds a public hearing on CDBG applications on March 2nd despite the 30-day official comment period not ending until later in the month. How and when do any subsequent comments get communicated to Committee?

Thanks,

Diane



CITY OF NORWALK - PLANNING & ZONING
Frank J. Strauch, RLA

Site Planner
fstrauch@norwalkct.org

P: 203-854-7955 / F: 203-854-7958

125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

MEMORANDUM

June 14, 2017

TO: Mayor Rilling

FROM: Steven Kleppin, Director of P&Z

RE: Participation in FEMA's Community Rating System

The Western CT Council of Governments (WestCOG) has reached out to Norwalk to request our participation in FEMA's Community Rating System (CRS). Information as to why this program could be beneficial to the citizens of Norwalk is outlined below.

From the FEMA website: The Community Rating System (CRS) recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program (NFIP) standards. Depending upon the level of participation, flood insurance premium rates for policyholders can be reduced up to 45%. Besides the benefit of reduced insurance rates, CRS floodplain management activities enhance public safety, reduce damages to property and public infrastructure, avoid economic disruption and losses, reduce human suffering, and protect the environment. Technical assistance on designing and implementing some activities is available at no charge. Participating in the CRS provides an incentive to maintaining and improving a community's floodplain management program over the years. Implementing some CRS activities can help projects qualify for certain other Federal assistance programs.

From WestCOG: Specifics of CRS as it relates to Norwalk. The program provides a discount for flood insurance policy holders in Norwalk. As of 2014 Norwalk reported 2,247 policy holders, who paid \$3.3 million in premiums annually. The program would offer 5% discount, which comes to about \$168k in savings annually, or around \$75 per policy holder. These reductions are applied automatically so all policy holders would see the benefit. The program is mostly managed by the COG as a regional service funded under state regional service funds. Additionally being a member of the CRS program can be mentioned to strengthen grant proposals related to Mitigation grants.

From P&Z: Obtaining the credits needed to be in the program. The City -- between various departments -- already has regulations that we enforce regarding open space preservation, the building code, stormwater regulations (updated for 2017), and erosion and sedimentation controls. P&Z and the Building Department strictly enforce current flood regulations. Flood certifications and elevation certificates have been required for 30+ years.

An enrollment letter and a letter of interest, signed by Mayor Rilling, are necessary to become a member of the program. The deadline to submit is June 30, 2017.

If you have any comments or questions do not hesitate to call me at x47956.

[Attach to Municipal Letterhead]

June 9, 2017

Chris Markesich, FEMA Region I Coordinator
Federal Emergency Management Agency (FEMA)
Region I
99 High St.
Boston, MA 02110

Dear Chris Markesich:

The City of Norwalk is interested in participating in the Community Rating System (CRS) so that our residents will qualify for discounted flood insurance premiums.

Our CRS Coordinator is Michael Towle, who can be reached at 475-3232064 or mtowle@westcog.org.

We will cooperate with FEMA, the Insurance Services Office, Inc. (ISO), and the CRS verification process to ensure that our credited activities are fully earned and warranted.

Please ask ISO to visit us to review our program in depth and verify the creditable activities. We understand that approval from the FEMA Regional Office is needed for the ISO/CRS Specialist to visit the community.

Sincerely,

Harry W. Rilling, Mayor

Date

cc:

Eugene Kohls, Connecticut ISO/CRS Specialist
Diane Ifkovic, NFIP State Coordinator

[Attach to Municipal Letter Head]

Letter of Enrollment

For the City of Norwalk into the Regional CRS Program

Regarding: Participation in the Regional Community Rating System (CRS) Program and CRS Coordinator Designation.

Upon signature this letter of enrollment formally recognizes the City of Norwalk as a participant in WestCOG's Regional CRS Program. Additionally, this letter designates the acting CRS Coordinator for the City of Norwalk.

CRS Coordinator Designation

Harry W. Rilling, Mayor of Norwalk, designates Michael Towle, Planner at Western Connecticut Council of Governments (WestCOG), to serve as the CRS Coordinator for the City of Norwalk. In regards to fulfilling the duties associated with the CRS program, the CRS Coordinator will be recognized as speaking for the CEO when requesting documentation and assistance from the various community offices and departments. Additionally, the CRS Coordinator is authorized to sign CRS-related documents on behalf of the City of Norwalk.

CRS Coordinator Duties

- Become familiar with the CRS's operation, prerequisites, and credited activities.
- Assemble, coordinate, and maintain the documentation for the community's CRS application, modifications, cycle verification visits, and annual recertification visits.
- Complete and sign the community's CRS Activity Worksheets.
- Coordinate verification visits with the ISO/CRS Specialist. This includes lining up representatives from the offices that implement the credited activities so that they can participate in the visit.
- Research additional opportunities for the community within the CRS Program.

Signatures:

City of Norwalk

Harry W. Rilling, Mayor

Date

Regional Flood Mitigation Rating System

A program implemented by Western Connecticut Council of Governments (WestCOG) with supporting funds from the Connecticut Institute for Resilience and Climate Adaptation (CIRCA)

The Community Rating System (CRS)

The CRS program is an incentive program for municipalities to go above and beyond federal requirements for flood mitigation activities. Communities receive credits for the number of additional flood mitigation activities they perform and those credits translate into reduced premiums for flood insurance policy holders within the community.

Example topics of activities include: public outreach, public education, mapping, and protected flood zones.

Documentation of these activities are monitored annually. Table 1 illustrates the level of flood insurance savings and the corresponding points to reach that goal.

Implementation challenges

As a region, Western Connecticut is impacted by both riverine and coastal flooding. A number of critical assets including public safety and sanitation facilities, transportation corridors, employment centers, and affordable housing are located on or near the coast or the region's major inland waterways. Given the region's role as an economic engine of Connecticut, damage and loss of these facilities would create economic impacts that would reverberate far beyond the region's borders.

FEMA's Community Rating System (CRS) Program has an intensive startup and maintenance cost (Staff time) which deters a number of municipalities from participating. WestCOG aims to address the start up and maintenance burden with a regional approach.

A regional approach

Traditionally communities participating in the CRS program do so individually. WestCOG believes it can reduce the municipal burden by performing many of the credit earning activities for multiple towns simultaneously.

WestCOG's regional services in GIS, Hazard Mitigation Planning, and stormwater management apply to all communities and can likely earn enough credits for at least the first tier in flood insurance savings.

Project overview

The Regional CRS program anticipates 5% savings representing around \$380,000 in projected savings annually across the four participating communities in the WestCOG region (see table 2 for more details). WestCOG implements this project with the following strategy in mind for its project implementation.

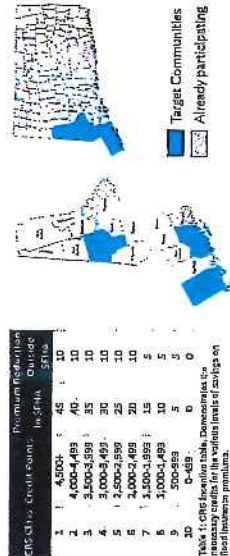
Maximize cost benefit: The program targets communities which have the most to gain from the CRS program, while maintaining a manageable amount of municipal outreach (4 municipalities). These communities include Greenwich, Darien, Norwalk, and Danbury.

Target new communities: The selected 4 communities are currently not involved in the CRS program. As to not disrupt currently successful CRS communities, following a successful implementation, WestCOG will consider opening the service to additional communities including those who are currently active in the CRS process.

Reduce municipal effort: Recognizing that towns are currently maximizing resources as is, WestCOG aims to take on much of the CRS workload from prepping for reviews with FEMA and serving as the town's CRS coordinator.

Leverage existing WestCOG Resources: WestCOG's existing resources in GIS mapping, stormwater management, hazard mitigation planning, and public outreach will serve as a baseline of CRS credits to bring communities into the first tier of the CRS program (5% savings).

Keep it going: Following a successful implementation WestCOG plans on providing the regional program as an ongoing regional service beyond the timeline of the grant program. The four communities should be up and running by October 2017, with much of the leg work completed by the end of June.



What's a WestCOG?

The Western Connecticut Council of Governments (WestCOG) consists of 18 member towns. It is dedicated to preserving and improving the quality of life and economic vitality in Western Connecticut. WestCOG works on topical areas such as transportation, economic, environmental and emergency management planning. WestCOG also provides a forum for municipalities to communicate and collaborate in addressing inter-municipal issues and needs.



Works Cited

CRS Manual, ARGIS, DEER, FEMA, WestCOG website