

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

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

TO: MEMBERS, PLANNING COMMITTEE OF THE COMMON COUNCIL
FROM: JOHN KYDES, CHAIRMAN
DATE: SEPTEMBER 29, 2016
RE: **MEETING NOTICE**

.....
The next scheduled meeting of the Planning Committee of the Common Council will be held on **Thursday, October 6, 2016 at 7:00 pm**, in Room 231 in Norwalk City Hall. Please Note The Time And Location.

PLANNING COMMITTEE OF THE COMMON COUNCIL

October 6, 2016

7:00 PM

A G E N D A

CALL TO ORDER

ROLL CALL

PUBLIC PARTICIPATION

I. APPROVAL OF MINUTES

A. Regular Meeting September 1, 2016

II. BUSINESS

A. **PLANNING AND ZONING UPDATE**

1. Planning and Zoning update with Michael Wrinn, Acting
Planning & Zoning Director

B. **WEST AVENUE REDEVELOPMENT PLAN**

1. Advance DECD Grant of \$3M to Common Council
2. Authorize Mayor to execute any and all documents associated
with the DECD Grant

III. OLD BUSINESS

IV. NEW BUSINESS

ADJOURNMENT

**CITY OF NORWALK
PLANNING COMMITTEE
REGULAR MEETING
SEPTEMBER 1, 2016**

ATTENDANCE: John Kydes, Chair; Shannon O'Toole-Giandurco, Tom Livingston, John Igneri, Douglas Hempstead (7:05 p.m.); Travis Simms (7:30 p.m.); Faye Bowman (7:31 p.m.)

STAFF: Timothy Sheehan, Redevelopment Agency Director; Tami Strauss, Director of Community Development; Hunter Arton, Community Outreach Administrator

OTHERS: Bruce Kimmel, Council President; Alan Weber, DiScala Company CFO; Ray Sullivan, Architect; Brian Deets, DiScala Company; Ernie Dumas

CALL TO ORDER

Mr. Kydes called the meeting to order at 7:02 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

August 4, 2016 Regular Meeting

**** MS. O'TOOLE-GIANDURCO MOVED THE MINUTES OF THE AUGUST 4, 2016 REGULAR MEETING.**

**** THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 4, 2016 REGULAR MEETING PASSED WITH THREE (3) IN FAVOR (KYDES, O'TOOLE-GIANDURCO AND IGNERI) AND ONE (1) ABSTENTION (LIVINGSTON).**

PUBLIC PARTICIPATION

There was no one present who wished to address the Committee at this time.

BUSINESS.

A. Wall Street Redevelopment Plan Area

Review of Head of Harbor North project.

Mr. Alan Weber, the CFO of the DiScala Company came forward to speak about the municipal parking garage on the corner of Main, Wall and High Streets. He gave a brief overview of the development going on at Smith Street behind Fat Cat Café.

Mr. Hempstead joined the meeting at 7:05 p.m.

Mr. Sullivan, the project architect, came forward to give an overview of the site plans for the Main Street and High Street complex. There are three levels of parking due to the steep grade change. The lowest level will replace the municipal lot, and the second and third decks will be for the building residents along with outdoor recreational areas for the five levels of residential units above.

Mr. Livingston asked if the new municipal lot would have the same number of spaces as it does now. Mr. Sheehan said that there would be 91 public parking spaces.

Mr. Hempstead stated for the record that Mr. Sullivan is the architect for Stew Leonard's and said that he would not be asking any questions about the project because of this.

Mr. Sullivan said that the plans were in the preliminary stages and they wanted to bring this to the Committee to answer any questions.

Mr. Kydes pointed out that the new design has a façade. Mr. Sullivan said that it does. Mr. Sheehan said that the façade improvement would be a city cost and that the City still needs to reach out to the owner to see if he was amenable to the façade improvement proposal. He said that it would cost the City a couple of thousand dollars. Mr. Weber said that it would just be putting a skin on the existing building. Mr. Livingston asked if it would be the City or the Redevelopment Agency that would pay for it. Mr. Sheehan said that it would be the City.

Mr. Livingston asked about the improvements to Freese Park. Mr. Sheehan said that the Agency was working on a Master Plan for Freese Park and that it was separate from this particular project. Mr. Weber said that he felt that it would be wonderful to have Freese Park improved, but it was not a condition of the agreement or part of the development.

The discussion moved to the DiScala Company contacting the property owner at the corner of Main and Wall Streets. Mr. Sheehan informed the Committee members that the property was limited to one story in height and if it was demolished, the new development would impact the development behind it and also be required to provide parking, which does not exist.

Mr. Sheehan spoke about the proposals that had been made for St. John's Place and the repair of the retaining wall.

Mr. Livingston asked what the next step would be. Mr. Sheehan said that there would need to be an option agreement for the parking lot. He said that the Agency needs to work on the details and have an 8-24 review before coming back to the Committee. Mr. Weber said that if everything moved forward, they could start by this winter.

Mr. Kydes thanked Mr. Weber for the presentation.

B. Urban Core

1. Approve advancing to the Common Council the approval of the re-approval of the Wall Street Redevelopment Plan, West Avenue Corridor Replacement Plan and Washington-South Main Redevelopment Plan for a period of 18 months, subject to a public hearing and approval by the Redevelopment Agency.

Ms. Strauss gave a brief overview of the plans and said that they were requesting the Committee to approve the review of the plans for the coming 18 months. Mr. Sheehan said that the State now requires that municipalities review the various plans every 10 years and either amend them or renew them. He said that this prevents plans from being out there for 30 or 40 years without review. After a decade, there could be changes in zoning or plans and developments. This change came up unexpectedly because the main focus has been on updating the Master Plan. By approving this, the Design Review portion will remain open for modification. Ms. Strauss pointed out that there was a public hearing included and that the hearing will be held at the Redevelopment Agency.

Mr. Livingston pointed out that this request was asking him as a new Council member to approve a plan that he had not seen or reviewed. Mr. Sheehan explained that all the plans that had not expired had actually been approved by previous Councils.

Mr. Simms joined the meeting at 7:30 p.m.

Mr. Hempstead asked if there were any plans that were not in compliance with the current regulations. Mr. Sheehan pointed out that there were some situations, such as the High Point project, that would have to go through Design Review. That project would also involve height issues in that location.

Ms. Bowman joined the meeting at 7:31 p.m.

Mr. Hempstead asked what would happen if a developer started the process and halfway through, the regulations changed. Mr. Sheehan explained that if a project had gone through design review under a set of existing regulations, those are the regulations that would govern the project. Once the project is approved, that would be the final approval.

**** MR.IGNERI MOVED THE ITEM.**

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (KYDES, O'TOOLE-GIANDURCO, IGNERI, HEMPSTEAD, AND LIVINGSTON) AND TWO (2) ABSTENTIONS (SIMMS AND BOWMAN).**

C. Community Development Block Grant Program.

1. Approval to advance the PY41 CAPER to the Common Council with authorization for the mayor to sign all forwarding documentation required by HUD.

**** MR. LIVINGSTON MOVED THE ITEM.**

Ms. Strauss said the CAPER has been available for the public to inspect the document. The Program Year ended on June 30th. There were no major changes.

**** THE MOTION PASSED UNANIMOUSLY.**

D. Transit Orientated Development (TOD)

1. Committee Discussion.

Ms. Bowman stated that this issue had been discussed at the recent Council meeting. She asked to discuss how it was expanded to encompass the new area. Mr. Simms said that there were a number of people who were looking to add Chestnut and Bell Avenues into the TOD area. He said that many of the residents were concerned about that happening without proper notice.

Mr. Kimmel said that that he was under the impression that the TOD expansion was a result of inconsistent zoning and land use. Mr. Sheehan said that those were concerns that were expressed to the Agency. He said that there had been a discussion by Committee and a number of neighborhood representatives were coming to the TOD meetings and saying that they wanted the area expanded to include the Lexington Avenue corridor because it offers additional protections. It would prevent the split zoning and inconsistent land uses would not be allowed.

Mr. Sheehan pointed out that the Zoning TOD objectives for the Lexington Avenue corridor are entirely different from the original TOD district objectives. That concern from the community was brought to the Committee and the Committee were presented with a choice of expanding the TOD to include the Lexington Avenue area. The vote on that issue was almost unanimously with Mr. Hempstead abstaining.

That vote allowed the plan to advance to the Planning Commission and the Agency informed the Planning Commission of the changes in the document. Mr. Sheehan said that he had to insure that what was being proposed was consistent with the Master Plan of

Conservation and Development. The Committee's authorization allowed the plan to advance forward without coming back to the Planning Committee and that after the Planning Commission, it will go directly to the Common Council.

Neither the Council nor the Redevelopment Agency controls Zoning. The Agency has met with the Zoning staff and there will be no surprises to them when they go to review it.

Mr. Hempstead said that when the Committee and Council approve a plan like this, it is a signal to the Zoning that this is what the administration would like to do. A discussion followed about Mr. Hempstead's concerns about that plan the night it was approved.

Ms. Bowman asked for clarification about the status of the Historic District. Mr. Sheehan said that the Historic District was still in existence and an application for that recognition has been filed.

Mr. Livingston said that the intent was to keep the character of the neighborhood. Mr. Kydes asked if the height restriction of 2 1/2 stories remained. Mr. Sheehan said that the Committee had reviewed this previously and nothing had changed. Discussion followed.

Mr. Simms asked about the portion that extended down MLK Drive. He wished to know if the plan would prevent 5 story buildings. Mr. Sheehan said that there were no 5 story buildings allowed in the green zone on the map. The neighborhood is generally residential.

Mr. Hempstead asked for clarification about locating the parking 600 feet away from the site. He said that he understood that it was a zoning concern. Mr. Sheehan said that this would not be allowed in the Lexington Avenue area, but would be allowed in the TOD area. Discussion followed.

Ms. Bowman asked if the 10% affordable units applied to all new development. Mr. Sheehan said that it only applies to developments with 12 or more units.

OLD BUSINESS

Mr. Hempstead asked if there was an update on the POKO Wall Street project. Mr. Sheehan said that there was a budget gap and that Citibank made the determination that until the gap is dealt with there would be no additional draws. Citibank met with the administration yesterday to discuss this. He said that Citibank instructed POKO to insure that all of the City's assets were included on the asset stabilization security list. Mr. Sheehan said that there was a high degree of concern about the numbers present to the bank. He went on to explain that when a project is under construction, the materials cannot be exposed to the weather for a long period without issues.

Mr. Hempstead had several questions about the limited access on Isaac Street. He also asked how this would affect the covenants. Mr. Sheehan said that DPW had moved the barriers so that there was now two way traffic on Isaac Street. He added that the developer was in default and the City could call the default at any time. Mr. Hempstead asked about the HUD tax credits. Mr. Sheehan said that it would be up to HUD to determine what it would do.

Mr. Igneri asked if there was a possibility of another developer coming into the project. Mr. Sheehan said that the rumor that there was another developer coming in was highly speculative and that POKO still owned the project. If there was another developer, the process would be similar to the one that happened when Spinnaker sold the Reed Street project to GGP. Discussion followed about the legal aspects.

Mr. Hempstead said that he remembered a development behind Utopia that was a problem and he did not want to see the City end up in the same position as it did back then. Discussion followed about the details of the existing LDA, the bank's decisions in handling the budget gap and other issues.

PUBLIC PARTICIPATION CONT'D.

Mr. Kydes said that Mr. Dumas had requested permission to ask the Committee a number of questions, but Mr. Dumas had to be at another meeting earlier in the evening.

Mr. Dumas came forward and asked about the last Committee vote and whether it still stood. Mr. Kydes said that the vote still stood.

Mr. Dumas asked for clarification on the questions regarding eminent domain that were asked at the previous meetings. Mr. Livingston said that the question regarded where the term "eminent domain" was actually located in the contract.

Mr. Dumas said that there have been a number of people who have been concerned about the families that have 4 or 5 members in the family. Their concerns are about what would happen if too many efficiencies were put in, those families, who have been paying taxes, will be pushed out.

Mr. Kimmel asked what kind of understanding there was about the types of residential units that existed. Mr. Sheehan said that the data comes in from the census tracts. He pointed out that Zoning would be making the ultimate decision on whether to approve a project or not. Mr. Sheehan reviewed the details of developer requirements with the Committee. Discussion followed.

Mr. Dumas said that there were a number of contaminated parcels in Norwalk and said that there were at least 50 sites in Norwalk that would have construction on it. He said that his group had been studying various issues before they approach the Committee.

Mr. Igneri said that if there were two and three bedroom units, the developers should have to replace it. Mr. Sheehan said that the Redevelopment Agency has proposed to Zoning that if a developer was taking units out of service, they would have to replace the same number of units with the same number of bedrooms. The number of three bedroom units in the TOD was limited.

Mr. Hempstead asked about the plans for the Diane Knitwear parcel, which was contaminated, and if there were any plans for that parcel. Mr. Sheehan said that he was not aware of any plans for that parcel and that the abatement would have to take place before the financing would be approved.

Mr. Dumas said that there was a sign on the Knitwear property that said that there would be demolition on the property. He asked how much the City owned of that property. Mr. Sheehan said that he did not know but would get that information.

Mr. Hempstead said that he only believes in plans that are good for 3 to 5 years because of the changes in market and economy. He pointed out that there were a number of couples in single bedroom units, but once they start having children, they move to larger units or purchase a house.

NEW BUSINESS

There were no new items to consider at this time.

ADJOURNMENT

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:27 p.m.

Respectfully submitted

S. L. Soltes
Telesco Secretarial Services

NORWALK PLANNING & ZONING COMMISSIONS

125 East Avenue
Norwalk CT. 06851

MEMORANDUM

JUNE 15, 2016

TO: Planning Commission, Torgny Astrom, Chair
Zoning Commission, Adam Blank, Chair
Harry W. Rilling, Mayor, City of Norwalk

FROM: Staff (MEW)

RE: Project Update

The following is a brief update on the numerous projects recently approved or currently underway throughout the city. I will be glad to provide additional details on particular projects at the next Commission meeting.

RED indicates active construction **BLUE** indicates pending applications

MAIN AVENUE, CRANBURY & SILVERMINE

Brightview Assisted Living: 162 New Canaan Ave - 90 unit congregate housing facility at site of former Quartette Club. *Construction complete.*

Silvermine Tavern: 192, 193 & 194 Perry Av/1 River Rd: Silvermine Tavern Village District construct new barn, add 4 units cluster housing, rehabilitate Silvermine Tavern buildings, convert mill buildings to single family residence with guest house, reconfigure existing pkg. lot, add valet parking. *Currently under construction; construction complete on Mill House and cluster homes.*

Chestnut Hill Road: 329-335 Chestnut Hill Road – 9 unit conservation development approved in 2012. *No permits issued for construction; third extension of time granted in November.*

1 Glover Apartments: 1 Glover Ave - 132 unit Commercial PRD site adjacent to Merritt Parkway approved in 2014. *Construction complete.*

Silvermine Homes: 241 & 249 Silvermine Avenue – 4 lot subdivision approved in 2011. *Construction underway.*

St. George Greek Church: Bayne Street - 21,000 sf community center approved in 2007. *Construction underway.*

White Barn Theater: Special Properties III, LLC – 78 Cranbury Road/440 Newtown Ave – 15 unit conservation development. *Approved October 2015; appeal settled March 2016.*

Burger King: 380 Main Avenue – New restaurant use at existing shopping center. *Construction underway.*

Black Gold Enterprises: 479 Main Avenue – Replacement gas station. Approved November 2015; *Site preparation work underway.*

Grist Mill Village: 150-174 Glover Ave – 710 unit Commercial Planned Residential development (3 separate sites) – Approved January 2016; appeal of decision settled March 2016. *Site preparation work underway; no permits issued.*

A. J. Penna & Son: 2 Muller Ave: Contractors storage yard. *Approved Feb 2016; no permits issued for construction*

Merritt 7 Train Station: Plan to upgrade station on Danbury Line RR under design by ConnDOT

WESTPORT AVENUE

8 & 11 Willard Road: Swim Seventy LLC – Aquatic facility in existing bldg with 116 space parking lot across street. *Aquatic center complete; parking lot under construction.*

391 Westport Ave: Gas station & mini mart at NE corner of Strawberry Hill Av in existing former gas/service station – *Construction complete.*

CONNECTICUT AVE & WEST NORWALK

587 Connecticut Ave: New mixed use development with 98,576 sq ft self storage facility and 4 story 50 unit multifamily building approved in November 2014. *Currently under construction. Completion expected Fall 2016.*

Westy Storage: 50 Keeler Avenue – Proposed 40,000 sq ft addition to existing building. *Construction complete.*

Chick-Fil-A: 467 Connecticut Av/Rampart Rd – Restaurant w/ 10,000 sf retail store – Approved March 2016; *no permits issued for construction*

71-75 Connecticut Av: New 22,400 sf medical office building – *Approved Aug 2015; no permits issued for construction*

RAP II, LLC: 123 Richards Ave – 72 unit congregate housing/assisted living facility – *Approved by Commission February 2016; permits issued for construction.*

104 Connecticut Ave: Replacement gas station & mini mart at existing gas station – *Approved by Commission August 2015; permits issued for construction.*

3 Color, LLC: West Cedar Street – Mixed use development with 8 residential units, 796 sf office and 2,571 sf vehicle storage – *Application withdrawn; cease and desist issued for contractor's storage yard.*

Starbucks: 500 Connecticut Ave - New free-standing building at Darinor Shopping Plaza and addition of sidewalk along CT. Ave by Wendy's. *Construction complete.*

Former TransLux: 110 Richards Av – 13,000 sq ft office addition to former TransLux building approved in 2007; *extension of time granted until April 2017.*

NORWALK CENTER & EAST AVENUE

Highpointe West: 74-88 Main St; 6-8 North Av; 37-45 High St: 285,458 sf mixed use development with 212 dwelling units and 14,250 sf retail – *Approved by Commission February 2016; no permits issued for construction.*

Highpointe East: 42-48 High Street: 91,174 sf mixed use development with 66 dwelling units and 4,320 sf retail – *Approved by Commission February 2016; no permits issued for construction.*

Norwalk Inn & Conference Center: 93 & 99 East Av – Third flr 37 room addition to existing hotel and historic rehab/conversion of former rooming house to 11 hotel rooms with kitchens; modified plans to add new addition with indoor pool/fitness club at rear. *Rehab complete; Currently under construction on rear addition/elevator/3rd story.*

Waypointe: 515 West Ave/Orchard St/Merwin Sts – New mixed use developments for Midblock & North block approved in 2011. *Construction underway on all Blocks except 25 Butler St. parcel; conditional CZC issued for some Midblock units and tenants; individual tenant permits issued for several midblock restaurants*

- **Midblock:** 494,578 sq ft mixed use development with 362 multifamily units, 38,431 sf retail, 11,550 sf restaurant & 850 space parking garage w/4 offsite workforce housing units at 33 Orchard St. Tenant fit-ups for Sedona Taphouse, JC Salons, Chase Bank, Colony Grill & Barcelona. *Construction complete.*
- **North Block:** 145,951 sf mixed use development with 98 units, 3,815 sf retail & restaurant. *Construction complete*
- **East Block:** 26-36 Orchard St/2 Quincy St – Quincy Lofts new 6 story, 69 unit multifamily building with 87 space parking lot. *Currently under construction; nearly complete.*
- **25 Butler St:** Relocate 8,600 sf historic building from 3 Quincy St for reuse as office. *Approved by Commission April 2015; no permits issued for construction.*
- **South Block:** 467 West Ave/17 Butler (2 parcels) - 138,630 sf mixed use development with 54,250 sf retail, 3,229 sf restaurant, 11,441 sf gym, 620 seat iPic theater & expanded pkg garage. Approved Sept 2014; *modified applications approved to add 80 residential dwelling units and 16 lane bowling alley and new application to replace Gap bldg with new 6 story bldg 76 multifamily units & 16,820 sf retail: Approved April 2016.*
- **West Block:** The Berkeley 500 & 520 West Ave (2 parcels) - 6 story, 177,302 sf mixed use development w/ 4,932 sf restaurant, 6,943 sf medical office, 129 units; adjacent Frost Bldg to remain. *Currently under construction.*

Norwalk Hospital: 34 Maple Street - New 96,700 sq ft outpatient & private physician addition with relocated helicopter landing site approved February 2012. *Construction nearly complete; CZC issued for first floor space.*

AMEC Carting: 1 Crescent Street – Modification to existing transfer station to add tonnage, open to public & other changes. *Construction complete.*

Wall Street Place (POKO): Wall & Isaacs Sts: Mixed use development at former Isaacs St municipal parking lot. Phase I plans for 101 multifamily units, 16,800 sf of retail & restaurant space; approved in 2008. Project includes first fully automated 213 sp parking garage and 100 sp of public parking. *Currently under construction.*

Head of Harbor: (DiScala) Smith St/East Wall - New mixed use development with 5,000 sf office space and 60 residential units. *Currently under construction.*

11 Belden Avenue/Mott Av: 69 unit multifamily development. *Approved April 2016; under appeal.*

17 Park Street: Convert veterinary office to childcare center. *Zoning permit issued, site work underway.*

94 East Avenue: Add 5 residential units to existing office. *Approved March 2016*

SOUTH NORWALK

The SoNo Collection/District 95/7: 63 West Av/1 Putnam Ave/Reed St – 8 story, 1,097,572 sf development with 660,410 sf retail, 44,391 sf restaurant, 13 story, 152 room hotel and 3,033 space parking garage (2 parcels). *Approved by Zoning Commission June 2016; no permits issued for construction.*

99 Washington St: TR SoNo Partners – New 5 story, 66 unit multifamily development; adjacent historic building with restaurant/office uses & 154 space valet, tandem, compact & stacked parking garage. *Currently under construction.*

United Parcel Service: 254 Martin Luther King Jr. Dr – 187 space off-site parking lot – *Application approved April*

2016; no permits issued for construction.

Maritime Aquarium: 10 North Water St – Construction underway on major interior renovations to existing Aquarium building. *Currently under construction.*

The Ayrick: 14 & 16 North Main St – Construction underway on new mixed use development with restaurant, retail, office and 8 units. *Construction complete; zoning permit issued for first floor restaurant use May 2015.*

Washington Village/13-20 Day St: Trinity Financial & Norwalk Housing Authority - New 273 unit multifamily development in a Transit Oriented Development area (3 separate parcels). *Extension of time granted until February 2017; no permits issued for construction*

Maritime Village: 17 - 19 Day St/Raymond St – New 5 story, 76 unit multifamily development with 6,000 sf office (existing building) in a TOD area – *Extension of time to October 2016; no permits issued for construction. Proposed modifications to approved plan pending June 2016.*

11 Chestnut St: New mixed use development at former LeRoy Shirt Factory with 17 units and 11,000 sf office space in restored factory building. *Extension of time granted until Sept 2016; no permits issued for construction.*

SoNo Hotel: 43-47 South Main St – 8 story 102 room extended stay hotel w/106 space indoor valet parking originally approved in 2009, modified in 2014. Council also approved modifications to Urban Renewal Plan. *Modifications to plan to add parking and reduce # of rooms approved as minor change April 2016; no permits issued for construction*

South Norwalk Electric: Bates Ct - Replacement power plant for South Norwalk Electric Works approved in 2004; Siting Council granted Petition #663 extension of time. *No permits issued for construction.*

Skyzone Trampoline Park: 360 Dr. MLK Jr. Dr. – 39,000 sq ft commercial recreation facility in an existing building – *Construction complete.*

AMEC Holdings: 7-15 Olean St/10-12 Lubrano Pl/26 Hemlock Pl/San Vincenzo Pl - Proposed amendment to allow solid waste truck storage and repair facilities/aggregate storage by SP in Industrial #1 zones and special permit for new offsite solid waste truck storage/repair facility. *Denied June 2016.*

Odd Properties: 89 Day Street – Contractor's storage yard – Approved May 2016; *no permits issued for construction*

Seaman: 149 Woodward Avenue – Contractor's storage yard – Pending application

F&G Contractors: 46 Meadow Street – Contractor's storage yard – Pending application

EAST NORWALK

Oysterbend Marina: Platt St/South Smith Street – 36 unit residential development with marina approved in 1990's. 18 units built; still working on environmental issues.

ROWAYTON

Grove Ely: 71-77 Rowayton Ave - New 8 unit multifamily development. *Construction complete.*

Rowayton Elementary School: 1 Roton Avenue – Construction of gym and additional classrooms. *Construction complete.*

Rowayton Community Center: 33 Highland Ave – Plans for driveway, circulation & parking improvements approved awaiting storm sewer connection approval & D.O.T. permit

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

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

TO: MEMBERS, PLANNING COMMITTEE OF THE COMMON COUNCIL
FROM: SUSAN SWEITZER, SENIOR PROJECT MANAGER
RE: DECD FINANCING PROPOSAL FOR WAYPOINTE PHASE II
DATE: SEPTEMBER 29, 2016

.....
The State of Connecticut Department Economic & Community Development is proposing a financial assistance grant in the amount of \$3,000,000 to the City of Norwalk for the completion of Phase II public infrastructure improvements associated with the Waypointe development. These improvements would include utility work, sidewalks, streetscapes and lighting within the project area.

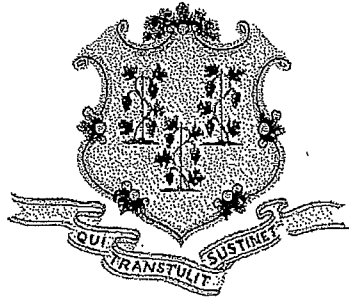
**ACTION REQUESTED: ADVANCE TO THE COUNCIL AN
AUTHORIZATION FOR THE MAYOR, HARRY
RILLING, TO EXECUTE THE FINANCING
ASSISTANCE PROPOSAL AND ALL DOCUMENTS
NECESSARY TO FULLY EXECUTE AN
ASSISTANCE AGREEMENT WITH DECD FOR
PUBLIC INFRASTRUCTURE IMPROVEMENTS
FOR A TOTAL COST OF \$3,000,000**

State of Connecticut

Governor Dannel P. Malloy

Department of Economic and Community Development

Catherine H. Smith, Commissioner



Financial Assistance Proposal

For

Waypointe Development – Phase II

City of Norwalk

September 2016

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BACKGROUND

Applicant Description:

The Norwalk Redevelopment Agency (NRA), is the redevelopment agent for the City of Norwalk. the NRA administers capital development grants and programs and has a well documented and demonstrated capacity to manage difficult construction and redevelopment projects for the City. The NRA has completed many Norwalk projects as a partner to the Department of Economic and Community development (DECD) and has finished major road reconstruction projects, brownfield cleanup projects, a multi-level garage, and Maritime museum project to name a few. The NRA was established in 1950 under the Housing Act of 1949 (Title V of P.L. 81-171 and thChapter 130of the C.G.S. Norwalk has a population of 84,877 residents. Norwalk's boundaries encompass 23 square miles. Norwalk is a culturally rich, diversified, urban community. Norwalk is home to the Lockwood-Mathews Mansion Museum and the Maritime Aquarium at Norwalk.

Project Description:

This grant will provide funding to the City of Norwalk for revitalization of the 1.8 mile West Avenue corridor. This corridor connects South Norwalk and Wall Street, in the City's downtown. The grant will be used to complete the public infrastructure Improvements, including storm and sanitary sewers, sidewalks and streetscapes and lighting improvements. The City's redevelopment plan will create a new mixed-use development project that will include up to 478,000 square feet of new residential construction; 405,000 square feet of retail development; 45,000 square feet of office space; and up to 180,000 square feet of restaurant, entertainment and health-related facilities, in the area north of the I-95 interchange.

SOURCE AND USE OF FUNDS

Sources of Funds

Department of Econ. And Comm. Develop. – UA (OPM)	\$ 3,000,000
Total	\$ 3,000,000

Use of Funds

Legal (DECD)	\$ 5,000
Construction – Public Infrastructure	\$2,995,000
Total	\$3,000,000

- *The figures above may be amended from time to time through requests for revisions to the Project Financing Plan and Budget, as approved by the Department of Economic and Community Development.*

FINANCIAL ASSISTANCE PROPOSAL

This financial assistance proposal is based upon the commitment of the City of Norwalk (hereafter, the "Applicant"), to implement the project as described herein. The State of Connecticut, acting through the Department of Economic and Community Development (hereafter, "DECD") and under the provisions of the C.G.S. Sec. 4-66c (the "Urban Act") proposes a financial assistance package consisting of a grant in the total amount of

\$3,000,000. DECD financial assistance shall not exceed \$3,000,000 or fifty percent (50%) of the total project cost as described in this proposal, whichever is less, as set forth in the most recently approved Project Financing Plan and Budget. The components of this financial assistance are outlined below:

Applicant:	City of Norwalk
DECD Financing:	\$ 3,000,000 Grant
Amount and Use of DECD:	\$ 2,995,000 Construction – Public Infrastructure
	<u>5,000</u> DECD Legal
	\$ 3,000,000 TOTAL

ENVIRONMENTAL COMPLIANCE

Environmental Condition of the Real Property

As determined by DECD, the environmental site assessments, survey, reports and remedial action plans will be prepared for real property subject to project activities. A professional firm licensed to practice in the State of Connecticut shall prepare the reports. The scope of investigations and report shall conform to the applicable Department of Environmental Protection laws and regulations, and the applicable American Standards for Testing Materials document standards. Copies of all reports shall be made available to DECD.

If the Applicant and/or other parties for the subject properties within the project area have conducted Environmental Site Assessments, copies of such documents must be submitted to DECD.

CONSTRUCTION COMPLIANCE

The DECD requires submission of project design documents, specifications, construction bid documents and cost estimates and other documents outlined in Schedule A. All submissions are subject to review, comment, and/or approval by the DECD's Office of Financial Review and Special Projects and/or the DECD Commissioner. Unless notified by DECD, for projects with a total project cost of \$250,000 or less, the grantee will be required to certify that the project is in compliance with DECD design, bidding, contracting and construction monitoring requirements. In these cases, it will be the responsibility of the grantee to certify and submit the appropriate documentation during the pre-bid phase, construction phase and close-out phase of the project.

The Applicant shall submit for review and comment the following construction-related documents which need to comply with DECD design, bidding, contracting and construction monitoring Requirements: a) bid package(s) including procedures for bidding; b) bid selection process and results; c) bonding and insurance requirements; d) copies of contracts; e) schedule of values; f) payment requisitions and change orders.

DECD requirements for approval of the release of funds for construction include review of construction documents, latest updated budget, submittal of bidding process, project schedule and cash flow updates, monthly reports, and any appropriate back up materials

as may be needed for review such as application and certificate of payment (AIA Document G702) approved by the architect and/or engineer, appropriate invoices, etc.

EMPLOYMENT

Department of Labor Employment

Number Access Agreement:

The Applicant agrees that the DECD may obtain directly from the Connecticut Department of Labor and disclose, as part of its reporting requirements to the Connecticut State Legislature and Auditors of Public Accounts, information pertaining to employment levels at your operation. It is acknowledged and agreed that the information so obtained and disclosed may include employer name, address, and number of employees, by facility location, for the purpose of fulfilling DECD's reporting requirements in accordance with Connecticut General Statute 32-1m, as may be amended or modified. In addition, this employment information may be utilized for purposes of performing employment reviews and research related activities conducted by DECD.

The Applicant also agrees that it will complete DECD's an annual job survey that is needed to assist in the completion of DECD's annual jobs report as required under Connecticut General Statute 32-1m, as may be amended or modified.

The Authorization Form has been attached as Schedule B.

INSURANCE

The Applicant shall maintain all required insurance in amounts, form, substance, and quality acceptable to DECD, as described more fully in Schedule C, attached to this proposal. A certificate evidencing such insurance shall be delivered to the Commissioner at the time of execution of the Assistance Agreement, and annually thereafter for the duration of the Project Financing Plan and Budget. Annual submissions should be sent to DECD, Attn: Office of Financial Review and Special Projects, 505 Hudson Street, Hartford, CT 06106.

REPORTING

Financial Reporting

The Applicant may be required to provide its annual financial statements and notes on no less than a Audit level upon request by DECD.

Project Audit

Each Applicant subject to a federal and/or state single audit must have an audit of its accounts performed annually (see Schedule D). The audit shall be in accordance with the DECD Audit Guide (located at <http://www.ct.gov/ecd/cwp/view.asp?a=1096&q=249676>) and the requirements established by federal law and state statute. All Applicants not subject to a federal and/or state single audit shall be subject to a Project-specific audit of its accounts within ninety (90) days of the completion of the Project or at such times as required by the Commissioner. Such audit shall be in accordance with the DECD Audit Guide. An independent public accountant as defined by generally accepted government-auditing standards (GAGAS) shall conduct the audits. At the discretion and with the

approval of the Commissioner, examiners from the Department of Economic and Community Development may conduct Project-specific audits.

The completion of the project will be determined by the end date of the most recently approved Project Financing Plan and Budget.

Semi-Annual Project Financial Statements

The Applicant will also be required to provide unaudited Balance Sheet and cumulative Statement of Program Cost to the Commissioner in the approved DECD project statement format as outlined in the most current Accounting Manual located at <http://www.ct.gov/ecd/cwp/view.asp?a=1096&q=249670> (see accounting manual financial statements). This information shall be due within 30 days after June 30th and December 31st until the Project Financing Plan and Budget expires.

Project Progress Reporting

The Applicant shall submit quarterly project milestone and progress reports acceptable to the DECD. These reports shall delineate progress in the area of fundraising as well as construction of the project. The reports will be due January 2, 2017 and will be required to be provided until the expiration of the Project Financing Plan and Budget.

REQUIRED DOCUMENTS

The Applicant must provide the following required documents prior to contract closing. No financial assistance agreements will be signed by DECD until all required documents have been received, which include the following:

- NA

PROJECT START/END DATE

For purposes of this proposal this project will have a start date of July 12, 2016, and any eligible Applicant project expenditures after that date will be permitted as part of the project. The end date of the project will be determined by the most recently approved Project Financing Plan and Budget.

EXPIRATION

The NRA must accept this proposal no later than October 6, 2016, 30 calendar days after the date of proposal. In the event the DECD does not receive the acceptance of this proposal by the aforementioned date, the offer will be considered null and void and withdrawn.

INSTANCES OF DEFAULT

If funding for the project is approved, the Assistance Agreement between DECD and the Applicant may be subject, but not limited to the following default provisions: breach of agreement, misrepresentation, unpaid judgments, receivership or bankruptcy, change in business structure, adverse change in the financial condition of the Applicant, condemnation or seizure, lack of adequate security, cancellation of insurance, failure to pay debts, violation of terms in other project documents. In addition to repayment in full of the funding, DECD's remedies may include, but not be limited to, the ability to collect

an additional 5% in liquidated damages on the total amount of financial assistance, and to charge a 15% per annum rate of interest on financing provided.

CLOSING AND TRANSACTION COSTS

The Applicant shall be responsible for the payment of all necessary and appropriate costs associated with this transaction, whether or not a closing takes place, including but not limited to the State's attorneys fees and other such costs incurred by the State or associated with securing the State Financial Assistance. Such costs may also include reasonable attorney fees, appraisal costs, and other possible fees and costs related to the closing. No financing will be provided until the Applicant has paid DECD's legal fees.

LABOR COMPLIANCE

Nondiscrimination

The Applicant will comply with Connecticut General Statutes section 4a-60, as may be amended, which prohibits the Applicant from discriminating or permitting discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, mental disability, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut.

The Applicant will comply with Connecticut General Statutes section 4a-60a, as may be amended, which prohibits the Applicant from discriminating or permitting discrimination against any person or group of persons on the grounds of sexual orientation.

The Applicant will provide written representation or documentation that certifies the Applicant complies with the State's nondiscrimination agreements and warranties.

Affirmative Action

The Applicant will comply with Connecticut General Statutes Section 4a-60, which prohibits the Applicant from engaging in or permitting discrimination in the performance of the work involved as well as requires that the company take affirmative action to ensure that all job applicants with job related qualifications are employed and that employees are, when employed, treated in a nondiscriminatory manner.

Executive Order Number Three

The Applicant will comply with Executive Order Number Three, which gives the State Labor Commissioner continuing jurisdiction over Agreement performance in regard to nondiscrimination. It empowers the State Labor Commissioner to cancel, terminate or suspend the Assistance Agreement for violation of or noncompliance with the order or any state or federal law concerning nondiscrimination.
<http://www.cslib.org/exeorder3.htm>

Executive Order Number Sixteen

The Applicant will comply with Executive Order Number Sixteen, of Governor John G. Rowland promulgated August 4, 1999, regarding Violence in the Workplace Prevention.

The Assistance Agreement may be cancelled, terminated or suspended by the State for violation or noncompliance with said Executive Order No. Sixteen.

<http://www.ct.gov/governor/rowland/cwp/view.asp?A=1328&Q=255942&pp=12&n=1>

Executive Order Number Seventeen

The Applicant will comply with Executive Order Number Seventeen, which gives the State Labor Commissioner and DECD joint and several jurisdiction in respect to Agreement performance in regard to listing all employment openings with the Connecticut Employment Service. <http://www.cslib.org/exeorder17.htm>

WITHDRAWAL OF FINANCIAL ASSISTANCE PROPOSAL

Notwithstanding any other provisions of this proposal, the State, in its discretion, may elect to withdraw this proposal and withhold payment of funds if:

- The Applicant shall have made to the State any material misrepresentation in the project data supporting the funding request, in the application or any supplement thereto or amendment thereof, or thereafter in the agreement, or with respect to any document furnished in connection with the project; or
- The Applicant shall have abandoned or terminated the project, or made or sustained any material adverse change in its financial stability and structure, or shall have otherwise breached any condition or covenant, material or not, in this proposal and/or thereafter in the agreement.

ADDITIONAL TERMS AND CONDITIONS

The Applicant and its principals will comply with Section 9-612 of the Connecticut General Statutes, which requires that on and after December 31, 2006, no principal of a state contractor or prospective state contractor shall make a contribution to, or solicit contributions on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee. A violation of this statute could void any existing contracts with the State of Connecticut and could prevent any future contracts from being awarded for up to one year after the election for which such contribution is made or solicited.

The Applicant acknowledges that the obligation of DECD to provide the financial assistance set forth herein is subject to the normal State approval process, including but not limited to approval by the State Bond Commission, and may be subject to review and approval of any documentation by the Attorney General as to form and substance.

The State financial assistance will be subject to the standard terms and conditions established by DECD for financial assistance under the Sec. 4-66c of the Connecticut General Statutes. The Applicant will enter into an Assistance Agreement with the State of Connecticut, acting through DECD, which will contain but not be limited to provisions of this proposal, and set forth the terms and conditions of the state financial assistance, and

will execute and/or deliver such other documents, agreements, and instruments as DECD may require in connection with the State financial assistance or any required security.

This proposal is not a contract by the State of Connecticut or the Applicant. The State shall not be bound until a contract has all approvals required by law, and is executed in accordance with all applicable State procedures.

DECD CONTACTS AND OTHER SERVICES

Development Manager: Your Development manager is responsible for coordinating all aspects of your project as it moves forward. Please consider the development manager as your main point of contact throughout the life of your project.

Contact: Ned Moore

Phone #: 860 270-8148

Community Development Director: Your Director is also available to you at any time for issues pertaining to all aspects of your project.

Contact: Tim Sullivan

Phone #: 860 270-8040

CLIENT OBLIGATION CHECKLIST

The following is a brief outline of the documents that will be required to be provided by the Applicant over the life of the agreement. This is not an attempt to define all of the terms and conditions as outlined in this proposal, but to provide a snapshot of the requirements.

General Requirement	Comment	Y E A R S										Status
		1	2	3	4	5	6	7	8	9	10	
Financial Statements	Due annually within xx days after FYE	U	P	O	N	R	E	Q	U	E	S	T
Insurance Certificate	Due prior to expiration	X	X	X	X	X	X	X	X	X	X	
State Single Audit (if applicable for non-profits/municipalities) – See Schedule D	Due within 180 days of FYE until all project funds are expended											
Unaudited balance sheet and Cumulative Statement of Program costs	At the completion of the project	X	X	X								
Special Reports	Upon Request											

Applicant Initials

Date

NEXT STEPS

The enclosed documents, accompanying this financial assistance proposal, must be completed and returned to DECD within thirty (30) calendar days of acceptance of this assistance proposal.

- * Application
- * Project Financing Plan and Budget
- * Municipal (Council and NRA Board) Resolution
- * Nondiscrimination Certification

Please return the signed acceptance letter and initialed Client Obligation Checklist to:

Department of Economic and Community Development
Office of Brownfield Remediation & Development
505 Hudson Street
Hartford, CT 06106

Attn: **Ned Moore, Project Manager**
4th Floor]

SCHEDULE A

Schedule of Submissions and Approvals required for State Assistance

The DECD will require the Applicant to provide certain documents prior to the start of construction and through the completion of the project. In addition, DECD will require certain reviews and opportunities for comment during design and construction, through the completion of the project. The following outlines some of these documents and some of the anticipated DECD approvals:

Submissions to DECD – Start of Project to Construction Completion:

- Schematic Design Plans
- Consultant Contracts
- Consultant Engineering Reports (including civil/site, environmental, geotechnical, and structural).
- CGS 25-68(d) Floodplain Certification Submission (if applicable)
- Appraisal Reports
- Historic and Archeological Surveys, Reports, and Mitigation Deliverables (if applicable)
- Affirmative Action Compliance Reports
- Applicant Bylaws
- Applicant Conflict of Interest Policy
- Cumulative Statement of Program Cost and Project Balance Sheet
- Applicant Single Audit Act Reports
- Third Party Special Inspection Reports
- Monthly Progress Reports by Applicant (format to be approved by DECD)
- Meeting Minutes and Correspondence (between owner, architect, and/or contractor)

DECD Site Development Involvement: DECD requires on and off-site project access on regular basis for review of design and construction developments.

Submissions to DECD Upon Completion of Construction:

- Annual Audit & Management Reports
- Cumulative Statement of Project Cost and Project Balance Sheet
- Certificate of Occupancy (where applicable)
- Record documents (As Builts)
- Certificate of Substantial Completion (AIA form G704)
- Contractor's Affidavit of Payment of Debts and Claims (AIA form G706)
- Contractor's Affidavit of Release of Liens (AIA form G706A)
- Subcontractors and Suppliers Release or Waiver of Liens
- Consent of Surety Company to Final Payment (AIA G707)
- Consent of Surety to a Reduction in or Partial Release of Retainage at 50% project completion, if applicable: (AIA form G707A) Requires DECD concurrence.
- Final Application and Certificate for Payment (AIA form G702, and continuation sheet G703)

If the contractor has provided Contractor's Affidavit of Release of Liens (AIA form G706A) and lien waivers from major subcontractors and suppliers, a contractor may request the balance of retainage. If these documents are not provided, retainage can not be paid until 91 days after the date on the Certificate of Substantial Completion.

SCHEDULE B

AUTHORIZATION FOR THE RELEASE OF APPLICANT INFORMATION

I, _____, agree that the Connecticut Department Labor may disclose information pertaining to _____ (the Applicant), such as employer name, address, and number of employees, by facility location, to the Connecticut Department of Economic and Community Development (DECD). This authorization pertains to the following locations and their related Unemployment Insurance Number (UI #). Attach additional sheets, if necessary:

Company Name

Location

UI #

I further agree that DECD may, in turn, disclose such information to the Connecticut General Assembly and Auditors of Public Accounts as part of its reporting requirements pursuant to Connecticut General Statute 32-1m, as may be amended or modified. In addition, I understand that this information may be utilized for purposes of performing employment reviews and research related activities conducted by DECD.

I understand that this authorization may be revoked at any time, except to the extent that action has already been taken in reliance on it. However, I understand that revocation of this authorization may result in default under my financial assistance contract with DECD. This authorization will expire upon the Applicant fulfillment of its contractual obligations with DECD and DECD's fulfillment of its reporting requirements pursuant to Connecticut General Statute 32-1m, as may be amended or modified.

Name (Print or Type)

Title

Signature

Date

SCHEDULE C

Insurance Requirements

(A) Applicant shall procure and maintain for the duration of the Project Financing Plan and Budget (as specified within the proposal) the following types of insurance, in amounts no less than the stated limits, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder; provided however, that if this project is (i) financial assistance of less than \$100,000, (ii) a planning grant, or (iii) a predevelopment loan, only items 1 and 2 as set forth herein shall apply:

- 1) Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. Coverage shall include Premises and Operation, Independent Contractors, Product and Completed Operations and Contractual Liability. If a general aggregate is used, the general aggregate limit shall apply separately to the Agreement or the general aggregate limit shall be twice the occurrence limit.
- 2) Workers' Compensation and Employer's Liability: Statutory coverage in compliance with compensation laws of the State of Connecticut. Coverage shall include Employer's Liability with a minimum limit of \$100,000 each accident, and \$500,000 Disease – Policy limit, \$100,000 each employee.
- 3) Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury. Coverage extends to owned, hired and non-owned automobiles. If the vendor/contractor does not own an automobile, but one is used in the execution of the contract, then only hired and non-owned coverage is required. If a vehicle is not used in the execution of the contract then automobile coverage is not required.
- 4) Directors and Officers Liability: \$1,000,000 per occurrence limit of liability; provided, however, that Directors and Officers Liability insurance shall not be required for limited liability corporations or limited partnerships.
- 5) Comprehensive Crime Insurance: \$100,000 limit for each of the following coverages: Employee Dishonesty (Form O), Forgery/Alteration (Form B), and money and securities coverage for theft, burglary, robbery, disappearance, and destruction.
- 6) Builders Risk: (Construction Phase) With respect to any work involving the construction of real property during the construction project, if DECD is taking a collateral position in the property, the Applicant shall maintain Builder's Risk insurance providing coverage for the entire work at the project site. Coverage shall be on a Completed Value form basis in an amount equal to the projected value of the project. Applicant agrees to endorse the State of Connecticut as a Loss Payee.
- 7) Property Insurance: (Post Construction) If DECD is taking a collateral position in the property, the Applicant shall maintain insurance covering all risks of direct physical loss,

damage or destruction to real and personal property and improvements and betterments (including flood insurance if property is within a duly designated Flood Hazard Area as shown on Flood Insurance Rate Maps (FIRM) set forth by the Federal Emergency Management Agency (FEMA)) at 100% of Replacement Value for such real and personal property, improvements and betterments or the maximum amount available under the National Flood Insurance Program. The State of Connecticut shall be listed as a Loss Payee.

(B) Additional Insurance Provisions

- 1) The State of Connecticut Department of Economic and Community Development, its officials and employees shall be named as an Additional Insured on the Commercial General Liability policy. Additional Insured status is not required for items (A)2 through (A)7 above.
- 2) Described insurance shall be primary coverage and Applicant and Applicant's insurer shall have no right of subrogation recovery or subrogation against the State of Connecticut.
- 3) Applicant shall assume any and all deductibles in the described insurance policies.
- 4) Without limiting Applicant's obligation to procure and maintain insurance for the duration identified in (A) above, each insurance policy shall not be suspended, voided, cancelled or reduced except after thirty (30) days prior written notice by certified mail has been given to the State of Connecticut, with the exception that a ten (10) day prior written notice by certified mail for non-payment of premium is acceptable.
- 5) Each policy shall be issued by an Insurance Company licensed to do business by the Connecticut Department of Insurance and having a Best Rating of A-, VII, or equivalent or as otherwise approved by DECD.

SCHEDULE D

TO: Municipal or Nonprofit Agency Grantee – DECD Program

FROM: Michael J. Lettieri, Community Development Director
Office of Financial Review and Special Projects

SUBJECT: DECD and State Single Audit Submission Requirements

Pursuant to Sections 4-230 through 4-236, as amended, of the Connecticut General Statutes, each municipality, audited agency, tourism district and not-for-profit organization that expends state financial assistance equal to or in excess of three hundred thousand dollars in any fiscal year of such nonstate entity beginning on or after July 1, 2009, the entity shall have a single audit made for such fiscal year in accordance with the provisions of the above-referenced General Statutes. If total state financial assistance expended for the fiscal year is for a single state program, a program-specific audit may be conducted in lieu of a single audit.

Copies of the state single audit report package must be filed with the state grantor agencies, the cognizant agency and pass-through agencies (if applicable). Submission of the report package must be made within 30 days of completion of the audit report, if possible, but no later than six months after the end of the audit period. For recipients with a June 30, 2005 fiscal year end, the filing deadline is December 31, 2005. Cognizant agencies must be notified of the Independent Auditor appointed to conduct the audit. Such notification must be made not later than thirty days before the end of the fiscal year of the entity to be audited.

The Office of Policy and Management is the cognizant agency for municipalities, tourism districts, other quasi-governmental entities and nonprofit organizations under the State Single Audit Act. The Dept. of Economic & Community Development is the cognizant agency for Housing Authorities. Your Cognizant Agency has the authority under C.G.S. Section 7-393 and State Single Audit Regulations to grant an extension for filing an audit report past the statutory deadline. In order for such an extension to be considered, an Audit Submission Extension Request Form must be submitted to the cognizant agency no later than 30 days prior to the required filing date. Both the independent auditor and the Chief executive officer of the audited entity must sign the request. If the reason for the extension relates to deficiencies in the entity's accounting system, a corrective action plan must accompany the request. The request may be faxed to the cognizant agency as indicated on the request form.

The following is a list of the required components of a complete audited financial report package that must be filed by the deadline with your cognizant agency, each State agency that provides funding to you, such as the Dept. of Economic & Community Development, and pass-through agencies (if applicable):

1. The Audit Report on the Financial Statements of the auditee
2. State Single Audit Report or program-specific audit report (if applicable)
3. Federal Single Audit Report (if applicable)

4. Municipal Audit Questionnaire (Municipalities & Audited Agencies)
5. Management Letter (if applicable)
6. Corrective Action Plan (if applicable)
7. Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

The DECD requires that the DECD Audit Guide must be used in conjunction with a State Single Audit of DECD programs. The only additional requirements are that the DECD programs be tested for compliance with laws and regulations using the compliance supplements contained in Appendix A of this guide and that the financial statement format outlined in Exhibit 4-2 of the guide be followed. The DECD *Consolidated Audit Guide for DECD Programs* is available at the following Website: <http://www.ct.gov/ecd> under Miscellaneous Publications.

State Single Audit Regulation Sec. 4-236-28, states, “In cases of continued inability or unwillingness to have a proper audit conducted of a program in accordance with these regulations, **state agencies** shall consider appropriate sanctions concerning the program including but not limited to:

- (a) withholding a percentage of awards until the audit is completed satisfactorily;
- (b) withholding or disallowing overhead costs; or
- (c) suspending state awards until the audit is completed”.

Any nonstate entity, which fails to have the audit report filed on its behalf within six months after the end of its fiscal year or within the time granted by the cognizant agency, may be assessed a civil penalty of not less than \$1,000 but not more than \$10,000.

While these are strong measures and in most instances not needed, they define the measures that state agencies and OPM may take to ensure that those grantees receiving state financial assistance submit timely and appropriate audit reports.

In summary, as a grantee of a DECD program, please file the following documents as applicable with DECD and OPM by the dates indicated:

File the following with the state grantor agency – [DECD, Office of Financial Review and Special Projects, 505 Hudson Street, Hartford, CT 06106]:

- *Complete Audit Reporting Package if your entity is subject to filing a State Single Audit (must be submitted within 30 days of completion but no later than the filing period deadline),*
OR
- *State Single Audit Exemption Notification Form if your entity is exempt from filing a State Single Audit (submit as soon as possible after fiscal year end but no later than six months after your fiscal year end)*

File the following with your cognizant agency – [OPM, Intergovernmental Policy Division, Municipal Finance Services, 450 Capitol Avenue - MS-54MFS, Hartford, CT 06106]:

- *Auditor Notification Form* (submit no later than thirty days before the end of the fiscal year of the entity to be audited)
- *Extension Request For Filing Financial and State Single Audits* if the audit cannot be filed by the due date (*submit at least 30 days prior to the end of the six-month filing period*)
- *Complete Audit Reporting Package* if subject to filing State Single Audit (*submit within 30 days of completion but no later than the filing period deadline*),
- *State Single Audit Exemption Notification Form* (submit as soon as possible after fiscal year end if you determine that your organization was not subject to the State Single Audit Act but no later than six months after your fiscal year end)

If you have any questions please contact Steve Pons at (860) 270-8209.

Thank you for your attention to these matters.

Attachments:

- Extension Request for Filing Financial and State Single Audit Form
- Appointment of Auditor Notification Form
- State Single Audit Filing Exemption Notification Form

**EXTENSION REQUEST FOR FILING
FINANCIAL AND STATE SINGLE AUDITS**

Pursuant to C.G.S. 7-393 and/or S.S.A. Regulation 4-236-25, a _____ day extension
(Number of days)*
for filing the ____/____/____ Audited Financial Statements ____ State Single Audit ____ is
(Fiscal Year Ended) (Check applicable reports)
requested until ____/____/____ for _____
(New filing date) (Name of entity)

Entity Federal Employer Identification Number (FEIN): _____

Entity Address _____

Contact Person & Title _____

Telephone () _____ Facsimile () _____ Email _____

Special Reasons For the Request:

List State Agency(s) providing funds
(To be completed by entity receiving funds) _____

Requested by:
Independent Accountant or Accounting Firm _____

Address _____

_____ Zip _____

Telephone () _____ Facsimile () _____ Email _____

Independent Auditor's Signature Date Auditee CEO's Signature Date

Mail or Fax (860) 418-6493 To OPM at least 30 days prior to the end of the 6-month filing period.

FOR OPM ACTION ONLY

Extension Approved ____ **Denied** ____ **Date** ____/____/____ **For OPM** _____

Date Auditor Notified: ____/____/____ **Date State Agencies Notified:** ____/____/____

Comments _____

* Requests for extensions should not exceed 30 days per request.

<http://www.opm.state.ct.us/igp/services/Audits.htm>

APPOINTMENT OF AUDITOR NOTIFICATION

To: *Office of Policy and Management*
Intergovernmental Policy Division
Municipal Finance Services
450 Capitol Avenue – MS-54MFS
Hartford, Connecticut 06106-1308
Tel.(860) 418-6400 Fax (860) 418-6493 E-Mail lori.stevenson@po.state.ct.us

From: Entity Name _____
Entity Address _____
_____ Zip _____
Federal Employer Identification Number (FEIN) _____
Chief Fiscal Officer (Municipal) _____
Executive Director (Nonprofit) _____
Telephone (with area code) _____ Facsimile _____
Internet E-Mail Address _____
Chair, Board of Directors (Nonprofit) _____
Telephone Number of Bd. Chairman _____

The following information is furnished in compliance with Connecticut General Statutes 7-396 and/or 4-232:

1. Independent Accountant or Accounting Firm Performing the Audit:

Name _____
Address _____
_____ Zip _____
State of CT Board of Accountancy CPA Firm Permit to Practice Number _____
Contact Person & Title _____
Telephone (with area code) _____ Facsimile _____
Internet E-mail Address _____

2. Fiscal Period(s) of Audit From _____ To _____, From _____ To _____

3. Appointment Date of Auditor _____

4. Name/Title of Appointing Authority _____

<http://www.opm.state.ct.us/igp/services/Audits.htm>

[ORGANIZATION'S LETTERHEAD]

STATE SINGLE AUDIT
FILING EXEMPTION NOTIFICATION

Date: _____

Lori Stevenson, Executive Secretary
Municipal Finance Services
Office of Policy and Management
450 Capitol Avenue MS#54MFS
Hartford, CT 06106-1308

Dear Ms. Stevenson,

This letter is to inform the Office of Policy and Management that for our fiscal year, which ended _____, the total expenditures of State financial assistance was less than \$300,000 for any fiscal year beginning on or after July 1, 2009. Total expenditures of State Financial Assistance for all programs was \$_____.

Based on the guidelines of C.G.S. 4-231(b), we are exempt from filing a State Single Audit for this fiscal period. If you have any questions please contact:

Contact Person: _____

Name of Nonprofit: _____

Address: _____

_____ Zip _____

Telephone: (____) _____ Facsimile (____) _____ Email _____

Very truly yours,

Chief Executive Officer

Chief Financial Officer

cc: Michael J. Lettieri, Community Development Director
Office of Financial Review and Special Projects
Department of Economic and Community Development
505 Hudson Street
Hartford, CT 06106

This form may be returned to OPM by facsimile (860) 418-6493 and DECD by facsimile (860) 270-8200.
<http://www.opm.state.ct.us/igp/services/Audits.htm>