CITY OF NORWALK
THE PLANNING COMMITTEE OF THE COMMON COUNCIL
REGULAR MEETING
April 6, 2017

ATTENDANCE: John Kydes; Doug Hempstead; Thomas Livingston; John Igneri; Shannon O'Toole-Giandurco; Fay Bowman; John Igneri

OTHERS: Tim Sheehan, Redevelopment Agency; Tami Strauss, Community Development Planning Director, Council Member Bruce Kimmel; Council Member Michelle Maggio; Common Council Member, Richard Bonenfant; Bruce Chimento, Director, Public Works; Mike Mocciae, Director, Parks & Recreation, Gino Gatto; Asst. Chief, Norwalk Fire Department; Christine Bradley, Director, Norwalk Public Library; Sherelle Harris, Asst. Director, Norwalk Public Library; Michael Docimo, Administrative Services Manager, Norwalk Police Department; David Westmoreland, Historical Commission, Frank Sarno, IT Dept.; Lunda Asmani, Director, Management & Budgets; Darlene Young, Human Services & Fair Rent; Diane Lauricella; Eric Rains, Stephanie Pelletier; Tom Hamilton, Finance Director, Board of Education; Michael Lyons, Chairman, Board of Education; Michael Barbis, Vice Chair, Board of Education, Bryan Meek, Board of Education; Becky Aurilio; Mr. Pote

PUBLIC HEARING-FY 2017-2018 CAPITAL BUDGET-CONSIDER ALLOCATIONS AND APPROVE ADVANCEMENT TO THE COMMON COUNCIL

Chairman Kydes opened the public hearing at 7:00PM.

Ms. Pelletier representing Capital Equities said she is there to express their support on behalf of ownership for funding the $500,000 that is being requested by the Redevelopment Agency for the park at 50 Washington Street. She said that the park is such a critical element to the vibrancy of not only SONO but to Norwalk itself in general, and it is a terrific asset that needs to be repaired to acceptable shape so that we can entertain our community in the way that it wants to be entertained. She said that she urges the committee for the full funding of the program.

Becky Aurilio, President of the PTO of Cranbury Elementary School said that she is hoping that everyone will vote to fund the Board of Education's budget, and that she has been on the PTO for six years and has been through a lot of budget cycles, and this is the best she has ever seen and that everyone tried to come up with the best solutions.

Eric Reins said that he is the landscape architect for the park and that he echoes everything that Ms. Pelletier said and said that he can assist if anyone had any questions regarding the park.

Mr. Pote said he is there of behalf of the Governance Council at Jefferson Elementary School and that he is in support of the Board of Education's budget and of the improvements to the schools.

Ms. Lauricella said the she compliments the Common Council, Mayor Rilling and the Board of Education for trying to establish a common ground, and discussed possibly taking a look at Public Works regarding the storm water management program, and that it is very good to get a handle on the planning to avoid some of the flooding. She will be speaking to Mr. Chimento regarding a green infrastructure, and that other towns in the state are doing it and it uses more than just the traditional pipes and underground engineering, and she hopes that one day there will be an across the board policy and that it will save money. She said that the city should hire at least a part time energy manager to optimize savings on any city buildings and to look at a comprehensive approach. She spoke about alternative energy solutions and said that she absolutely feels that the amount is very low. She spoke about the Water Pollution Control Authority and said while she is pleased that dollars are being invested into the sludge control building she wants to be sure that any upgrade is sufficient. She spoke about the Testa Field turf replacement and West Rocks School and that she has sent emails on the dangers associated with turf fields and distributed a pamphlet and that she has asked that there be a moratorium and that she is requesting that a zero be put on any repairs. She said in conclusion she want to do a comprehensive approach to clean energy but first to do audits of the buildings and do bench marking to be sure we are getting the best bang for the buck.

Chairman Kydes closed the public hearing at 7:12PM

2. CALL TO ORDER

Chairman Kydes called the meeting to order at 7:12PM.

ROLL CALL

Chairman Kydes called the roll and everyone listed on the attendance was present.

PUBLIC PARTICIPATION

I. APPROVAL OF MINUTES

A) JANUARY 30, 2017 Special Meeting
** **MR. LIVINGSTON MOVED TO APPROVE THE MINUTES.**
** **MOTION PASSED UNANIMOUSLY.**

B) March 2, 2017 Regular Meeting
** **MS. O'TOOLE-GIANDURCO MOVED TO APPROVE THE MINUTES.**
** **MOTION PASSED UNANIMOUSLY.**

C) March 9, 2017 Special Meeting
** **MR. IGNERI MOVED TO APPROVE THE MINUTES.**
** **MOTION PASSED UNANIMOUSLY.**

II. BUSINESS

A. FY 2017-18 CAPITAL BUDGET.

1. Review allocations.

- Police- No comments

- Fire- No comments

- Parking Authority- Mr. Hempstead said for the record that their projects are based on their incoming revenue to service the debt service just as is the Water Pollution Control Authority, and that is why they are authorities.

- Library- Mr. Kimmel said that $35,000 for strategic planning seems low and asked what the nature of the plan is. Ms. Bradley said that there is $35,000 also available from the previous year for a total of $70,000. Mr. Kimmel asked if the timeline to spend the money is somewhat dependant of the disposition of the land in the area. Ms. Bradley said "yes". Mr. Kydes asked what the study will achieve. Ms. Bradley said that a strategic plan has not been done since 2000 for library services in general, and now it seems there may be an opportunity to expand to modernize the building and parking and that is why they are requesting the additional amount. Mr. Livingston asked if part of the plan is to look at other resources and how to maximize people using the library. Ms. Bradley said that the usage has increased 30%, and the circulation of physical materials have gone down 10% each year for the past three years. She said that the use of the building and the Wi-Fi have skyrocketed and are looking to expand that. Mr. Livingston asked what the timing of the study is. Ms. Bradley said they would like to have an RFP out this summer and have the report back within a year. Ms. O'Toole-Giandurco said there is nothing like still reading a real book to a child and it's great to see the strength of the program, and that there are many people in the library every day. She said that the use may be changing but the need is still there. Ms. Bradley said that between the two buildings there were over 660,000 visitors last year.

Historical Commission- Mr. Westmoreland said that he would like to point out that there is a $500,000 offset in the total of less revenues and that is reflecting a state grant. Discussion ensued regarding the wpa murals and Mr. Westmoreland said that there will be an exhibit to cover all the wpa murals at the new museum, and it will also cover controversial issues. He said that the Historical Societies funding $10,000 to do some of the research development of that exhibit, and the commission is recommending $15,000 for the production of the exhibit itself. Mr. Livingston asked if the capital budget is flat from last year. Mr. Westmoreland said "yes".

- Human Services & Fair Rent- No comment

- IT Dept- No comments

- Heath Department- No comment

- Sixth Taxing District- Mr. Kimmel asked if past practice is being followed regarding the interest rates. Mr. Asmani said "yes" and that the city will issue the bonds on their behalf so they can take advantage of the city's interest rates.

- Planning & Zoning- Mr. Livingston asked where the funding for the POCD is. Mr. Asmani said that it is in the operating budget.

- Redevelopment Agency- Mr. Kimmel said that over the next five years that $100,000 was recommended for public art, and the request is for $500,000 and asked if there was a plan for that. Mr. Sheehan said that $100,000 annually does not get a lot of art and usually when they apply for grants there is a ten to twenty percent match, and that was the intent with the $100,000. Mr. Kimmel asked if they would be able get the matching funds if no funds are set aside. Mr. Sheehan said "no". Ms. Bowman asked Mr. Sheehan if he was aware that on June 22, 2016, that Mayor Rilling and Mr. Hamilton, Mr. Coppola and Ms. Beltz-Jacobson wrote a letter to DEEP requesting the conversion of that property, and said that in South Norwalk they are not interested in losing any open space and she provided a copy of the letter for the record.

NORWALK
The Sound of Connecticut

CITY OF NORWALK
Office of the Mayor
and the City Clerk
norwalkct.org
P: 203-854-7701 / F: 203-854-7939
Norwalk City Hall
125 East Avenue, PO Box 5125
Norwalk, CT 06856-5125

June 22, 2016

Mr. David Stygar, Environmental Analyst
Connecticut Department of Energy
and Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: <u>Property Conversion - 50 Washington Street Plaza and Springwood Ely Park</u>

Dear David:

As you are aware, the City of Norwalk is interested in converting two separate parcels of land that are currently encumbered by Open Space Dedication Agreements. These include the plaza at 50 Washington Street ("Washington Street Plaza") and the Nathaniel Ely/Springwood Ely Park ("Springwood Park"). In exchange for the conversion of these properties we are proposing substituting two parcels of unimproved land. The first parcel consists of approximately 10 acres located at 194 Richards Avenue, situated along the side and rear area surrounding the Norwalk Community and Technical College. The second parcel consists of 1.559 acres located at 127 Fillow Street. Both properties would be improved as neighborhood parkland. In the case of the first parcel, we propose clearing the land and building walking trails and an outdoor recreational area. The second parcel is being considered for development as a community garden.

<u>50 Washington Street Plaza</u>

The Plaza is currently subject to a Dedication Agreement, dated June 27, 1986, identified as Connecticut Open Space Project #110. The parcel contains 0.794 acres of land in an urban setting zoned as "South Norwalk Business District." It is currently being used as a public plaza situated adjacent to a multiple story office building. A 2014 appraisal valued the open space easement at Seventy Thousand Dollars ($70,000). This is based on the proximity of the Plaza to the downtown urban neighborhood (See copy of the Dedication Agreement and the 2014 appraisal, attached to this letter for your reference as **Exhibits** A and A-1).

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Springwood Ely Park/Nathaniel Ely School

The City acquired the property comprising 11 Engalls Avenue in stages from 1946 through 1954 (See copy of Title Search attached hereto as **Exhibit B**). Around 1956 the property was developed as the Nathaniel Ely Elementary School. In 1979, the City developed a remaining portion of the property into a public park known as the Springwood Ely Park, improving the land by installing tennis courts and a ball field. These improvements were funded by State Open Space and Federal Land and Water Conservation grant funds (Federal Development Project Fed 09-00234 as shown on map # 234). Pursuant to the applicable grant requirements, the City accepted a Dedication Agreement originally dated 1979 and subsequently resigned and re-recorded in 1990 (See copy of the Dedication Agreements attached hereto as **Exhibits C** and **C-1**).

The Nathaniel Ely Elementary School was eventually closed and on November 13, 1990, the Norwalk Board of Education voted "to return the [Nathaniel Ely School] building to the City effective July 1, 1991." In 1991 the City entered into a lease agreement with NEON, Inc. the local antipoverty organization, "for the use of the Nathaniel Ely School for the purpose of running the Head Start Program" (See copy of Common Council action, dated January 8, 1991, attached hereto as **Exhibit D**).

During the ensuing years the Nathaniel Ely building was shared by: NEON Inc, which used it for child day care purposes; the Springwood Health Center, which operated a neighborhood health clinic in the building; and the Norwalk Housing Authority ("NHA"), which used certain rooms for neighborhood events. Since 1995, Norwalk Grass Roots Tennis, Inc. has conducted a successful educational program at the tennis courts and modular building situated on the site.

NEON, Inc. and the Springwood Ely Health Center eventually vacated the property. The building is presently occupied by a third party child day care provider pursuant to a Management Agreement with the City. This Management Agreement obligates the tenant to operate the building for purposes of providing child day care services pursuant to and consistent with the terms of a Loan Agreement between the City and the Connecticut Health and Educational Facilities Authority ("CHEFA") (See the Management Agreement, dated June 25, 2014, attached hereto as **Exhibit E** and the First Amendment to Management Agreement, dated November 3, 2015, attached hereto as **Exhibit E-1**). The day care operations at the Nathaniel Ely Center are additionally subject to certain terms and requirements set out in the grant agreement between the City and the State Department of Education Office of Early Childhood ("OEC") (See the current Grant Agreement between City and OEC, and the Subgrant Agreement between the City and NHA dated October 31, 2014, attached hereto as **Exhibits F** and **F-1**, respectively)

The Original Loan Agreement was executed by the City and CHEFA in 2006. This was subsequently replaced by the April 1, 2015 Loan Agreement based on the reissued revenue bonds refunding the outstanding maturities of the Refunded Bonds (See the Loan Agreement, dated April 1, 2015, attached as **Exhibit G**). The current Loan Agreement contains certain "Facility Covenants" which, among other things (in paragraph 5.B.3), requires that the facility be operated "as a preschool child care and child development center," with minimum enrollment in the preschool child care and child development programs. For as long as the bonds that were issued pursuant to and in connection with this Loan Agreement remain outstanding, the building must be used for purposes of child care in compliance with the stated enrollment requirements. Currently, the City and the Norwalk Board of Education are discussing the possibility of repurposing the former Nathaniel Ely School building as an intradistrict prekindergarten through grade eight public school.

The Board is in the process of engaging a professional architect to draft preliminary/schematic plans for the proposal. The current estimate is for the design work to be under contract by late July or early August and for the actual work to commence at that time. We will keep you updated regarding the progress and will provide you with a copy of all plans and maps once they become available.

We do need to address the fact that the Dedication Agreement describes the property subject to the restrictions by referencing the deeds for the entire school property, which includes the area on which the school facilities are located (building and parking lot). At a minimum we need to amend the Dedication Agreement in order to omit the developed area and limit the description of the encumbered land to the recreational area which was developed with the use of the State and Federal funding.

Proposed Replacement Property: Richards Avenue and West Cedar Street

This site was formerly part of the John D. McGrath Elementary School, a public school operated by the Norwalk Board of Education. In early 1984 the Board of Education voted to return the school site to the City of Norwalk "for the purpose of housing the Norwalk Community College." In October 1985, this transfer to the State took place with the City retaining approximately 10 acres of land bordering the college facilities, buffering it from the surrounding residential neighborhood. This property has always been open, unimproved land consisting of wooded areas and some wetlands. It was never developed into or maintained as parkland and never in any way dedicated as parkland by the City. Our proposal is to develop this as a park with walking trails and related amenities. Because it is adjacent to a residential neighborhood, access will be from the local street as well as from the college campus.

Mr. David Stygar, Environmental Analyst
Connecticut Department of Energy
and Environmental Protection
June 22, 2016
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127 Fillow Street

This is an over 1.5 acre lot in a residential area which currently has a frame detached garage and a two-story frame house located on it (See the Existing Conditions map attached hereto as **Exhibit H**). While there were plans to sell the property for development, the City purchased it with the hopes of improving it as a community garden and open space area. This property could be open to the public in a similar manner as the Fodor Farm property, also located in Norwalk.

We hope that we can work together to achieve our goals of maximizing the open space land in Norwalk to provide the most appropriate and beneficial recreational land to our citizens. Please review this proposal and let us know if you have any questions. Otherwise City staff looks forward to meeting and discussing this opportunity with you as soon as your schedule permits.

Thank you for your help in this matter.

Very Truly Yours,

Harry W. Rilling

Harry W. Rilling, Mayor
City of Norwalk

Enclosures

C: Steven Adamowski, Superintendent of Schools
Thomas Hamilton, Chief Financial Officer
Mario F. Coppola, Corporation Counsel
Diane Beltz-Jacobson, Assistant Corporation Counsel

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Ms. Bowman said they were not aware that their open space was being offered up, and would like to see the open space improved and not sold off and in any other district their space is not sold off. She said that when Habitat for Humanity wanted to build behind Norwalk Community College it was rejected by this council, because they value their open space and asked Mr. Sheehan if he is aware of the city trying to get rid of the open space. Mr. Sheehan said he is not aware of the city trying to change the designation of that park not to be a public park, and they certainly want the 50 Washington Street plaza to remain a public park in perpetuity. Mr. Mocciae said that there is a covenant on 50 Washington Street with the State of Connecticut because the city took grant funding under specific conditions, and this is to switch that covenant that restricted the city from doing things in the park which if the state and the National Park service agree to swap that covenant to the parcel in West Norwalk, the city would then be free to do other programming in that park which can't be done now but there is no change in the designation. Ms. Bowman said that an appraisal of the property was done which makes her believe that it is going to be sold. Mr. Mocciae said that the appraisal is a formality that the states requests to be sure that prior to the swap that the property is valued the same or more than the property that the covenant will be on. Mr. Kimmel said that it was his understanding that the park would be improved as a park. After further discussion Mr. Sheehan recommended that the Corporation Council answer Ms. Bowman's questions as to what they are working on. Mr. Kydes requested that an e-mail be sent to Corporation Council to get them involved. Mr. Hempstead asked if a preliminary site plan has been done for the park. Mr. Sheehan said "yes" that Mr. Reins has done one and there is a concept design that has been reviewed and is still getting feedback from the community. Mr. Hempstead asked Mr. Sheehan to define community. Mr. Switzer said that the plan is on the website and there was a public workshop held and that the members of council were invited to attend. Mr. Sheehan said that a plan is being developed to bring it to the Parks and Recreation Committee. Mr. Hempstead requested that the plan be sent to the Common Council members. Mr. Livingston said that $500,000 was requested and that only $300,000 was recommended and asked what that does to the plan. Mr. Sheehan said that it significantly impairs the plan, and ultimately will not have sufficient funding to implement what they originally had as a concept. Mr. Livingston asked Mr. Sheehan if he is suggesting that this can't be done for $300,000. Mr. Sheehan said he would not recommend advancing without having a sense of full funding of what the plan is.

- Parks and Recreation- Mr. Kydes asked if the $1.9 million being requested is for the docks. Mr. Mocciae said "yes" Mr. Kydes asked if that is for completion. Mr. Mocciae said "yes" and they are now finishing the launch ramps and the parking lot. Mr. Kydes said that $25,000 was requested and the Mayor recommended $60,000 for the paving sidewalk projects and asked what the reasoning is. Mr. Mocciae said for the paving of the tennis court at West Rocks School so that the play area can be extended.

- Public Works- Mr. Kimmel said he is still not clear on the process of how it gets decided on which sidewalks get done with the roadwork, and where is the account that deals with sidewalk repair when they need to be repaired. Mr. Chimento said that DPW repairs the sidewalks in-house out of the operating budget, but that there is an item in the capital budget for concrete sidewalks and curbs that goes along with the paving program. Mr. Kydes asked about the drainage in the Honeysuckle area. Mr. Chimento said a lot of research has been done in that area, and that some things are being done in-house in that area to elevate some of the drainage problems, and that there will also be another program this year to install additional drainage pipes, and that they have also hired a consultant. Mr. Kimmel said that the request for footpath replacement is only $100,000 and asked what that will be used for. Mr. Chimento said that an accounting of footpaths was done last year and have compiled a list of the footpaths that need to be replaced, and that is what the request is for.

- Board of Education- Mr. Hempstead asked what is plan for the reimbursement from the state that is being factored into the request. Mr. Hamilton said on the new projects and the renovating as new projects that the current reimbursement rate is 32.5%. He said on the capital needs projects have assumed a reimbursement rate of approximately 20% because the state goes through a process deeming some of the work eligible, and some of the work ineligible and they have used a lower assumption in respect to those projects. Mr. Kimmel asked if the addition at Ponus will quality for the 32.5%. Mr. Hamilton said that they believe it will. Ms. Bowman asked if they are aware that there is a restricted covenant on Nathaniel Ely. Mr. Barbis said that the city's legal department has been working on that. Ms. Bowman asked why is it being funded in this budget and that there are several things that folks from South Norwalk wanted to consider. She said that they have met with the Emergency Preparedness Officer for the Board of Education and said that he has not been involved with the design of this project, and that a lot of infrastructure will need to change, and that there are a lot of questions that need to be answered and asked why the project is being rushed and asked how confident they are with this plan. Mr. Barbis said that they have been working on it for over a year, and that there has been a lot of outreach and has received a good response rate. There was further discussion regarding open space and Mr. Barbis said that the proposal for recreational space which is open space that is useable will be up over 24%. Ms. Bowman asked how they are calculating that because the swamp cannot be touched, and there is no additional open space being proposed. Mr. Barbis said that a lot of the open space in not useable and some of the unusable open space does decline because there will be a building there. Ms. Bowman also asked if the people on Ingalls Avenue know that there may be a need to widen their road and that their property can possibly be taken away from them. Mr. Barbis said at this point there is no project so there is nothing to talk to them about. Ms. Bowman said that there are funds being requested in the capital budget for it. Mr. Hamilton said that at this point there is no design and that it is a conceptual site plan, and there were contingencies put in for a variety of things and determinations can't be made with any certainly until the actual design is in place, and a traffic study is done. Mr. Hamilton said that there is a state process that needs to be done in order to secure the reimbursement and that one of the conditions is that the local appropriation has to be in place, and this is a pre-requisite in order to advance this project forward, and that the board has spent over 18 months analyzing and reviewing this and had a lot of community input. He said in January the board made a decision and that is what is reflected here in the capital budget request. He said that the Common Council has an important role to play and if the money is not appropriated than the project is not going to go forward at the present time, and that 900 additional seats are needed, and they do not think they can wait another year to get the project moving because there are several hundreds of kids in portable classrooms that are getting worse and worse by the month. Ms. Bowman asked what the security plan is and requested that it be e-mailed to her. She also read a statement that she has sent to the DEEP stating that she is opposed to these changes. Mr. Barbis said that the recreational space will increase by over 40,000 square feet on the proposed plan, playground space will triple and sports space would be up by 50%, and said that he thinks that would serve the community well.

2. Approve advancing to the Common Council FY 2017-18 Capital Budget

****MR. HEMPSTEAD MOVED TO AMEND THE REQUEST TO INCREASE THE WALKING PATHS SO THAT IT IS FULLY FUNDED AT $100,000. TAKING $25,000 FROM PAVEMENT MARKING AND SIGNAGE AND $25,000 FROM SIDEWALKS.**
**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. IGNERI MOVED TO APPROVE ADVANCING TO THE COMMON COUNCIL PY 2017-18 CAPITAL BUDGET.**
*** THE MOTION PASSED WITH FIVE IN FAVOR (MR. KYDES, MR. HEMPSTEAD, MR. LIVINGSTON, MR. IGNERI, MS. O'TOOLE-GIANDURCO AND ONE OPPOSED (MS. BOWMAN)**

B. NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM FOR 2017.

1. Approve scheduling a Public Hearing on 2017 NAA-TCP applications to be held on May 4, 2017.

**** MR. LIVINGSTON MOVED TO APPROVE THE ITEM.**
**** THE MOTION PASSED UNANIMOUSLY.**

C. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

1. Approve advancing the Draft PY43 Annual Action Plan (AAP) to the Common Council as amended.

   **** MR. IGNERI MOVED TO APPROVE THE ITEM.**
   **** THE MOTION PASSED UNANIMOUSLY.**

2. Approve advancing to the Common Council authorization for the Mayor to execute any and all documents associated with the PY43 AAP.

   **** MR. IGNERI MOVED TO APPROVE THE ITEM.**
   **** THE MOTION PASSED UNANIMOUSLY.**

III OLD BUSINESS

There was no old business discussed.

IV NEW BUSINESS

There was no new business discussed.

5. ADJOURNMENT

**** MR. HEMPSTEAD MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:45PM.

Respectfully submitted,

Dilene Byrd
Telesco Secretarial Services