

Common Council Actions

COMMON COUNCIL

ACTION

DECEMBER 11, 2001

**NORWALK, CONNECTICUT 8:00PM DST, COUNCIL CHAMBERS
ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO
APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND
OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS
ARE SUBJECT TO THE AVAILABILITY OF FUNDS.**

**MAYOR KNOPP CALLED THE MEETING TO ORDER AT 8:00P.M. AND LED
THE ASSEMBLY IN RECITING THE PLEDGE OF ALLEGIANCE. MAYOR
KNOPP THEN PAID TRIBUTE TO DOT BONDI FOR ALL OF HER SERVICES
TO THE CITY AND THEN ASKED FOR A MOMENT OF SILENCE. HE THEN
ASKED FOR A MOMENT OF SILENCE FOR THOSE WHO LOST THEIR
LIVES THREE MONTHS AGO ON 9/11/01.**

I. ROLL CALL

Baker, Joseph Mann, Barbara Hudgins, Bruce Kimmel, Kenneth
William Wrenn, Jeannette Olmstead-Sawyer, Douglas Sutton,
Fred Bondi, Peter Wien, Matthew Miklave, Judith Rivas,
William Krummel, Christopher Perone, Kevin Poruban, Betsy Bain,

Fifteen (15) Members were present at Roll Call. Mayor Knopp asked for a moment of silence in remembrance of Dot Bondi, who recently passed away, and also to remember the three-month anniversary of the terrorist attacks on September 11, 2001.

II. ACCEPTANCE OF MINUTES

A. Regular Meeting – November 13, 2001

**** MS. RIVAS MOVED APPROVAL OF THE MINUTES AS SUBMITTED.**

**** MOTION PASSED BY VOICE VOTE WITH THREE ABSTENTIONS (MESSRS. WRENN, MANN, MIKLAVE, AND MS. RIVAS).**

B. Organizational Meeting – November 20, 2001

The following corrections were made:

On page 2, Appointment of City Clerk, should indicate that the motion to confirm her position was unanimously approved by voice vote.

On page 6, Adjournment, Mr. Mann not Mayor Knopp moved to adjourn.

**** MS. OLMSTEAD-SAWYER MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

**** MOTION PASSED BY VOICE VOTE WITH ONE ABSTENTION (MR. BAKER).**

C. Regular Meeting – November 27, 2001

The following corrections were made:

On page 3, the first motion to table the reappointment should indicate that Mr. Baker voted with the majority in opposition.

On page 3, the second motion to reappoint Dr. Pinto should indicate that Mr. Baker voted with the majority in favor.

On page 5, the first sentence at the top should read "Mr. Kimmel stated that he never thought ..." instead of Mr. Miklave. The second to last sentence of the first paragraph should include that "... if Mr. Bowers approached this appointment in any manner similar to the way he had chaired the Recreation and Parks Committee in the past ..."

**** MR. KIMMEL MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

III. PUBLIC PARTICIPATION

Mr. Steve Orris, a former Councilmember, said that he had nothing to discuss since his item was being tabled.

IV. MAYOR

A. Resignations and Appointments

1. Appointment of Special Counsel – Donald Reid

Mayor Knopp said that Mr. Reid is the former Corporation Counsel, and asked authorization that Mr. Reid serve as Special Counsel for the City of Norwalk pursuant to Section 1-230 of Norwalk's Charter. Mr. Reid would handle eminent domain proceedings, specifically related to the Darby parcels, located at 7 Monroe Street and 69 South Main Street.

**** MS. BAIN MOVED APPROVAL OF DONALD F. REID AS SPECIAL COUNSEL.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. Appointments to the N.E.O.N. Board

Mayor Knopp announced that the following Councilmembers be appointed to the Board of Directors of N.E.O.N. for the 2002/03 year.

Sutton	William Krumme, ¹	Douglas
	Jeannette Sawyer,	Bruce Kimmel
Hudgins	Kevin Poruban,	Barbara
	William Wrenn,	Peter Wien
	Judith Rivas,	Ken Baker
	Christopher Perone	

(D) 3. Appointment to SWRPA – Susan Wallerstein

**223 Wolfpit Avenue
Norwalk, CT 06851
(203) 856-0500**

Mayor Knopp announced that Susan Wallerstein be appointed to SWRPA, noting that she has a good background on regional issues. She is the current I.T. Officer for the Greenwich Board of Education and has served on the Board of Estimate and Taxation.

4. Reappointment to Fair Housing - Heather
Rodin (D)
117 Perry
Avenue
Norwalk, CT
06850
(203) 847-
8328

Mayor Knopp requested the reappointment of Heather Rodin, indicating that her term would expire September 1, 2003.

**** MR. KIMMEL MOVED APPROVAL OF THE REAPPOINTMENT OF HEATHER RODIN.**

Mr. Mann said that he is pleased with the reappointment and happy the Mayor put it forth. Ms. Rivas said that she felt proud to support this reappointment since Ms. Rodin has done a wonderful job for the City.

**** MOTION PASSED WITH ONE ABSTENTION (MR. SUTTON, DUE TO HIS BEING THE PAST PRESIDENT OF THE NAACP).**

B. Remarks

There were none.

V. COUNCIL PRESIDENT

A. Consent Calendar

There was none this evening.

B. Other General Council Business

1. Cancel Common Council Meeting of December 25, 2001

2. Approve Common Council Meeting of December 18, 2001

3. Briefing on Reed-Putnam Development Project by Edward Musante

**** MR. MANN MOVED TO CANCEL THE COUNCIL MEETING ON DECEMBER 25, 2001 AND TO APPROVE THE COUNCIL MEETING ON DECEMBER 18, 2001.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Mann said that the Reed-Putnam Project would be discussed later in the agenda. Additionally, Mr. Mann announced the following meeting changes:

- Ordinance Committee meeting will be held on December 12, 2001 at 7:30 p.m., not on December 27, 2001 as scheduled.
- Public Health & Welfare Dept. will meet on December 18, 2001 at 6:00 p.m., not at 7:30 p.m. as scheduled.
- Public Works Committee will meet on January 7, 2002 at 6:30 p.m., not on January 1, 2002 as scheduled.
- Planning Committee will meet on January 10, 2002 at 7:30 p.m. for their public hearing, not on January 3, 2002 as scheduled.,

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. Corporation Counsel

- 1. Executive Session: Authorization to settle claim: Falicit Theodoridis v. City of Norwalk.**
- 2. Executive Session: Authorization to settle claim: Hall Brooks Foundation v. City of Norwalk.**

Mr. Mann said that these two items above would be discussed at the end of the agenda.

VII. COMMON COUNCIL COMMITTEES

A. Public Works Committee

1. Accept Newtown Court as a City Street.

**** MR. PERONE MOVED APPROVAL OF NEWTOWN COURT AS A CITY STREET.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. Authorize the Director of Public Works to issue Orders on Contract to New England Paving Company for Project No. 4R 2001-1, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section for a sum not to exceed \$75,000.

**** MR. PERONE MOVED TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO NEW ENGLAND PAVING COMPANY FOR PROJECT NO. 4R 2001-1, PROPOSED BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIR WITHIN THE NORTHERN SECTION FOR A SUM NOT TO EXCEED \$75,000.**

Mr. Kimmel asked if there was a comfort level with the bidding process and suggested that if not, the item should be tabled to the next meeting. Mr. Bill Grummond, Director of Public Works, said that the City used to do its own asphalt work but now uses a bid process to choose a paver. New England Paving Company responded with the lowest bid, and they were awarded the work for the northern and southern sections.

Mr. Mann expressed confidence with the situation and said it is consistent with what has been going on. Bidding is done periodically. The weather has been good which will allow many more streets to be paved or repaved.

Mr. Bondi said that he has not seen any of the other bids. Mr. Grummond responded that the contract was awarded in May 2001.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. Authorize the Director of Public Works to issue Orders on Contract to New England Paving Company for Project No. 4R 2001-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Southern Section for a sum not to exceed \$75,000. Account No. 03 0000 2602.

**** MR. PERONE MOVED TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO NEW ENGLAND PAVING COMPANY FOR PROJECT NO. 4R 2001-2, PROPOSED BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIR WITHIN THE SOUTHERN SECTION FOR A SUM NOT TO EXCEED \$75,000. ACCOUNT NO. 03 0000 2602.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

B. Planning Committee

1.a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary for the City to apply to the State Department of Economic and Community Development for Ten Million Dollars in financial assistance related to the Reed Putnam Urban Renewal Project pursuant to Special Act 01-2, Section 9(C)(2) of the Connecticut General Statutes.

Mr. Miklave said that in 2000 the State authorized \$20 million for the Reed Putnam Redevelopment project. On October 26, \$6.5 million was approved for upgrade of the Reed Street extension. There is currently no truck access to the area and this project would lower the roadway and expand the bridge and tunnel to allow trucks to the development.

**** MR. MIKLAVE MOVED TO AUTHORIZE THE MAYOR, ALEX A. KNOPP, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE CITY TO APPLY TO THE STATE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR TEN MILLION DOLLARS IN FINANCIAL ASSISTANCE RELATED TO THE REED PUTNAM URBAN RENEWAL PROJECT PURSUANT TO SPECIAL ACT 01-2, SECTION 9(C)(2) OF THE CONNECTICUT GENERAL STATUTES.**

1b. Adopt the attached resolution regarding the City's application for financial assistance pursuant to Special Act 01-2 Section 9(C)(2).

Mr. Miklave said that the City must apply for the funds pursuant to the Resolution which he asked be read into the record by the City Clerk.

**** MR. MIKLAVE MOVED TO ADOPT THE RESOLUTION REGARDING THE CITY'S APPLICATION FOR FINANCIAL**

ASSISTANCE PURSUANT TO SPECIAL ACT 01-2 SECTION 9(C)(2).

2. Authorize the Mayor, Alex A. Knopp, to execute Amendment No. 1 to the Land Disposition and Development Agreement by and among The City of Norwalk, Connecticut, the Norwalk Redevelopment Agency, and French Norwalk LLC, Redeveloper, Reed Putnam Area – Development Parcels 1, 2 and 4, Norwalk, Connecticut, May 7, 2001.

Mr. Miklave said that on May 7 the City executed the Land Disposition Agreement for development of parcels 1, 2 and 4. A provision of the agreement is that it is contingent upon evidence that funding is readily available. The State Bonding Committee has already approved \$6.5 million, and the State is working toward meeting the December 31, 2001 deadline. The developer has agreed to extend the due date to February 6, 2002 if necessary.

**** MR. MIKLAVE MOVED TO AUTHORIZE THE MAYOR, ALEX A. KNOPP, TO EXECUTE AMENDMENT NO. 1 TO THE LAND DISPOSITION AND DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF NORWALK, CONNECTICUT, THE NORWALK REDEVELOPMENT AGENCY, AND FRENCH NORWALK LLC, REDEVELOPER, REED PUTNAM AREA – DEVELOPMENT PARCELS 1, 2 AND 4, NORWALK, CONNECTICUT, MAY 7, 2001.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3. Approval of the Modification of Design Agreement to the Design Agreement dated September 17, 2001, for Parcel 5 within the Reed Putnam Urban Renewal project.

Mr. Miklave said that there is a preliminary Design Agreement, approved on May 7, 2001, with respect to the Maritime Center parking garage, which would be developed on parcel 5. Two changes are being proposed to the Agreement: increase the number of parking spaces from 719 to 780 and increase the size of the lobby from 1,000 sq.ft. to 1,500 sq.ft. The modification will bring the current document in conformity with the current planning. These changes are internal not external to the building.

Mr. Kimmel said he thought the idea was a terrific one but wondered how the proposed changes would not affect the footprint of the building. Mr. Wrenn's query was similar, especially relative to the height of the garage.

Mr. Edward Musante, Director of the Redevelopment Agency, addressed the issues. He said that some of the internal space used for office, security, etc. would be moved to another section of the building to allow for a larger lobby area where ticketing could take place. Regarding the height of the garage, Mr. Musante said that when the project proposed 719 car spaces only ½ of the top floor was planned for use. To accommodate 780 parking spaces, the entire top floor would be utilized and ½ of it would be uncovered. He said that the project meets the 72' height requirement in general but not in the stair tower, where less than 5% of the total roof area will extend above 72'. Of the 780 spaces, 225 of them would be earmarked for the Lock Building Monday through Friday. On Saturdays and Sundays, all spaces would become available for the general public.

Mr. Kimmel asked about an operations agreement, to which Mr. Musante responded that a draft had been circulated to members of the Garage Advisory Committee. No concerns were raised at their recent meeting. He urged the Council, the City and the Public Works Department to meet and review the agreement before the end of the year.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

4. Authorize the Mayor, Alex A. Knopp, to execute the Modification of Design Agreement.

**** MR. MIKLAVE MOVED TO AUTHORIZE THE MAYOR, ALEX A. KNOPP, TO EXECUTE THE MODIFICATION OF DESIGN AGREEMENT.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

C. Finance Committee

1. Authorize the Special Capital Budget Appropriation of \$3,915,000 for the Board of Education Roof Replacement Project. Account No. 09025010-5777-C0242.

Mr. Kimmel said that seven schools will be able to be re-roofed with the funds, and it is expected that the work will be complete by the end of August 2002. If funding could not be accomplished until the spring, the work would not be finished for the start of the 2003 school year.

Mr. Bondi suggested that the Board of Ed closely review the type of roofing material they choose, since the current method of layers is not effective. A membrane-type of material may cost more but increase the life of the roof. Mr. Kimmel said that he too was sensitive to this issue, and the City engineer will be asked to assist in the decision before purchase is made.

Mr. Miklave said that he was very proud to be involved on this issue which would be voted on tonight. He said that the Board of Ed is doing a great job and the project is long overdue.

Mayor Knopp said that completion of this project would be fulfillment of a campaign promise, which he was happy about. Leaky roofs are a public health hazard. He commended the Finance Committee for acting on this so quickly.

**** MR. KIMMEL MOVED TO AUTHORIZE THE SPECIAL CAPITAL BUDGET APPROPRIATION OF \$3,915,000 FOR THE BOARD OF EDUCATION ROOF REPLACEMENT PROJECT. ACCOUNT NO. 09025010-5777-C0242.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. Authorize the Release of the Funds for the Remainder of the \$302,469 Budget Approved by the Board of Estimate and Taxation for Fiscal Year 2001-2002 for N.E.O.N. Administrative Overhead. The Funds are paid to N.E.O.N. on a Monthly Basis Based on the Yearly Allocation.

**** MR. KIMMEL MOVED TO TABLE THIS ITEM UNTIL THE DECEMBER 18, 2001 MEETING.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. MANN).**

D. LAND USE & BUILDING MANAGEMENT

1. Authorize the Mayor, Alex Knopp, to execute an agreement with Turner Construction Company to Provide Construction Management Services for the Preconstruction Phase of the Brookside School Replacement Project for a Total Not to Exceed \$125,000. Account Nos. 09015010 5777 C0171 and 09025010 5777 C0171.

Mr. Miklave recused himself from the meeting at 8:55 p.m. since his company represents Turner Construction Company.

Mr. Krummel said that the project is the middle of the design phase; the Land Use Committee approved a \$2.3 million capital appropriation. Concern is that construction for the project may not start on schedule and suggested that a construction management company may

help the project stay on schedule, and allow competitive building on the general contractor portion of the project. A construction management company will assist the City in determining how best to proceed.

Mr. Kimmel said that for many years Norwalk has had problems with construction projects. General contractors have no incentive to keep costs down. The risk to the City of Norwalk is high. He said he thinks this is a good direction for Norwalk to follow.

Mr. Wrenn said that he was pleased to support a management service company. They will help Norwalk tackle important projects and try new models. The City does not have an Engineering Dept. or sufficient staff to monitor its projects.

Mayor Knopp said that over the next decade Norwalk would be investing large sums in infrastructure improvements. It is important to consider new and better systems of overseeing completion of projects, on time, within budget.

Ms. Bain said that since school will be in session during construction, the phasing plan and relocation of students proposed by the Management Company will be a key factor to the success of the project and will keep disruption to a minimum.

**** MR. KRUMMEL MOVED TO AUTHORIZE THE MAYOR, ALEX KNOPP, TO EXECUTE AN AGREEMENT WITH TURNER CONSTRUCTION COMPANY TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE PRE-CONSTRUCTION PHASE OF THE BROOKSIDE SCHOOL REPLACEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$125,000. ACCOUNT NOS. 09015010 5777 C0171 AND 09025010 5777 C0171.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Miklave returned to Chambers at 9:02 p.m.

V. B. 3. Briefing on Reed-Putnam Development Project by Edward Musante

Mr. Musante said that the Reed-Putnam Development project was an outgrowth of a 1979 study prepared for South Norwalk (SONO), the waterfront project and the Maritime Aquarium (built in 1983). The project plan was updated in 1997 and then amended in 1998 to include Heritage Park. The project location is deemed to be excellent. The approximately

70 acres are bordered by I-95 on the North, West Avenue and North Main Street on the West, the main line of the Metro North New Haven branch railway on the South and the Norwalk River on the East. The project has three main pieces. The area along West Avenue will not have any new development but rather renovation of existing buildings.

Mr. Musante said the goals of the project are many – to provide a mix of uses, to further planning and economic development and to increase the tax base. The City earns \$280,000 on the real estate; much more will be realized once the project is complete.

Three parcels on the East Side are slated for development as follows. Parcel 6, approximately 100,000 sq.ft. is the former Lock Building. Parcel 5 is the area for City parking of 780 cars. Parcel 3 is the subject of the January 10, 2002 Planning Committee's public hearing to discuss Spinnaker's proposed development of combination housing and hotel use.

Three parcels on the West Side, parcels 1, 2 and 4 are being negotiated with French LLC for development of approximately 1.1 million sq.ft. of office space ... a series of buildings. All property must be acquired within 120 days.

Mr. Musante spoke of the infrastructure improvements that are necessary before the project can proceed. Reed Street must be extended and an underpass created for West Avenue and Reed Street with Riverside Drive underneath the railroad tracks. Final design of the project has been reached and the DOT has already reviewed the project. State Bonding Commission approved the project in October. He said that Crescent Street would be closed to allow widening of I-95.

Mr. Musante said that the balance of the funding would be used for other infrastructure improvements: completion of Heritage Park, relocation of sidewalks, etc.

Attorney Robert Genuario spoke further about the project. French LLC currently owns most of Parcel 1 and are negotiating for the remainder of area in Parcels 2 and 4. It is not be possible to negotiate for the entire piece of real estate, and Attorney Genuario said that there would be some condemnation necessary by April 2002. Environmental work is in progress. 3,500 jobs will be created by the office space. French LLC will be totally responsible for the cost of acquisition of the properties. Residents will be entitled to relocation benefits as appropriate.

Mr. Timon Malloy, President of Fred F. French LLC, said that his family has been involved in commercial real estate for about 95 years. He said

that Parcels 1 and 2 would be combined into one for a small park in the center. Buildings will conform to the streetscape and be 5-7 stories high.

Mr. Wien expressed concern at the level of condemnation and asked how much would be residential versus commercial. Mr. Malloy said that he was certain of three properties that would not be negotiable and would need to be acquired by eminent domain. He said that the Redevelopment Agency would take the leading role in relocation. Sufficient time will be given to residents of the premises.

Mr. Wien asked if there were any plans to create a rail station on the site. Mr. Musante said that many people have expressed a similar desire, but it was his understanding that the State was trying to decrease the number of stations not increase them. Mr. Malloy said that some type of shuttle/van would be made available to the Norwalk train station which is approximately ½ mile away.

Ms. Sawyer suggested the project try to incorporate the existing residents rather than making plans to relocate them. Mr. Malloy said that during the development stage of the project the residents were made aware of what was happening and no one objected to the plan.

Mr. Bondi expressed his happiness to see this project "get off the ground."

Mr. Kimmel expressed his concern over the proposed hotel, indicating the increase in density on the site. Mr. Musante added that the hotel is not etched in stone; it may not be economically feasible, but added that an area large enough to hold group events would be an economic generator. Mr. Bondi said that some type of convention center would be positive.

VI. A. CORPORATION COUNSEL – EXECUTIVE SESSION

**** MR. MIKLAVE MOVED APPROVAL TO GO INTO EXECUTIVE SESSION.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The Members went into Executive Session at 10:00 p.m. and reconvened into Public Session at 10:25 p.m.

1. Authorization to settle claim: Falicit Theodoridis v. City of Norwalk.

**** MR. MANN MOVED TO TABLE THIS CLAIM UNTIL THE DECEMBER 18, 2001 MEETING.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. Authorization to settle claim: Hall Brooks Foundation v. City of Norwalk.

**** MR. MANN MOVED TO APPROVE SETTLEMENT OF THIS CLAIM.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

VIII. RESOLUTIONS FROM COUNCIL MEMBERS

There were none.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

X. SUSPENSION OF THE RULES

There were none.

XI. ADJOURNMENT

**** MR. MANN MOVED TO ADJOURN.**

**** MOTION PASSED BY VOICE VOTE.**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Carol A. Wiggins for

Telesco Secretarial Services

ATTEST: _____

Pam Stark, City Clerk