

**COMMON COUNCIL REGULAR MEETING DECEMBER 13, 2022
NORWALK, CONNECTICUT COMMON COUNCIL CHAMBERS & VIA
TELECONFERENCE**

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

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at norwalkct.org/meetings

Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.

Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will be called by the host of the meeting during the public comment section. Please find the information using the link above.

Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.

Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Irene Dixon at idxon@norwalkct.org to provide written public comment prior to the meeting.

Mayor Rilling called the meeting to order at 7:32 p.m. and led the Assembly in reciting the Pledge of Allegiance. He asked for a Moment of Silence to mark the 10th anniversary of the murders at Sandy Hook Elementary School. A special ceremony will take place tomorrow at City Hall.

I. ROLL CALL

Ms. Dixon called the Roll:

Council at Large: Mr. Gregory Burnett Mr. Joshua Goldstein

City of Norwalk
Common Council
December 13, 2022
Common Council Chambers and
Via Teleconference
Page 1

Ms. Dominique Johnson Ms. Nora Niedzielski Eichner
Ms. Barbara Smyth

District A: Mr. David Heuvelman

District B: Ms. Diana Revolus Ms. Darlene Young

District C: Mr. John Kydes Ms. Jenn McMurrer

District D: Ms. Heidi Alterman Mr. Bryan Meek

District E: Mr. Thomas Livingston Ms. Lisa Shanahan

At Roll Call there were fourteen (14) Common Council members present and one (1) absent (Ms. Ayers). A Quorum was present.

Also present were City Clerk, Irene Dixon, Assistant City Clerk, Jordan Schantz and Corporation Counsel, Mario Coppola.

II. ACCEPTANCE OF MINUTES

Regular Meeting: November 22, 2022

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

III. PUBLIC PARTICIPATION

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted. All speakers are Norwalk residents unless otherwise noted.

Mr. Richard Bonenfant spoke about item 7A1 and urged the Common Council to opt out of the State's request. He said the State's rule does not require anything to be affordable. If there is no local rule they are setting up residents to fight each other looking for parking spaces. In addition, this will not require the owners to live on site and they are just another landlord. Mr. Bonenfant noted that a 2/3 vote is needed and anyone who abstains or does not show up is a no vote.

Ms. Holly Martosi began talking about capital improvements at Wolfpit Elementary School. Mayor Rilling informed her that it was a violation of FOI to discuss an item that is not on the agenda.

Ms. Diane Lauricella asked the Common Council to not opt out of item 7A1. She said the newly amended Planning and Zoning regulations went too far and she would like to hear the Common Council support those in the community who need housing. This is a property rights issue that allows people to realize the best use of their property. Ms. Lauricella said it should be determined site by site.

Ms. Lauricella also asked the Mayor to acknowledge the good work she and others have done to optimize recycling. Cardboard and glass bottles are a hot commodity.

Ms. Audrey Cozzarian spoke about item 7A1 and said it would make sense to see how other communities handle ADUs. She said she hopes the fears and concerns would be assuaged with common sense. She said she thinks it is terrific for people to have an affordable place to live. They have to put their fears aside so people can take advantage of this.

Ms. Diane Keefe spoke about item 7A1 and encouraged the City to opt in. The State did a lot of work on ADUs and going along with the State's plan would be the right thing to do.

Ms. Diane Cece spoke about item 7A1. She said if this passes, Norwalk is stuck with the State regulation. She said she understands that if the City opts out it will end up with the original State version. At this point it is ok to opt out and continue to work on the Zoning regulation that will work best for Norwalk. She said she is concerned and hopes that no one believes this is a guarantee to increase affordable housing stock.

Ms. Cece talked about the contract with Win Waste Innovations and suggested going back to single stream recycling.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were none this evening.

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening.

MAYOR’S REMARKS:

Mayor Rilling announced that Norwalk has lifted the water emergency and is now in a water advisory. This past weekend, Norwalk unveiled its Purple Heart Monument at Veterans Park. Yesterday, Norwalk celebrated the completion of the Center-Ohio, Plymouth Avenue neighborhood sidewalks and paving infrastructure project. Tomorrow marks the 10-year anniversary of the Sandy Hook Elementary School tragedy. Norwalk will hold a remembrance ceremony at 9:30 a. m. on Wednesday, December 14th.

On December 21st, Norwalk is hosting a Menorah Lighting Ceremony at City Hall in Celebration of the Fourth Night of Hanukkah. Norwalk will also be hosting a Kwanzaa event during the week of December 26th.

As this was her last meeting as a member of the Common Council, Mayor Rilling recognized and thanked Ms. Johnson for her service to the City of Norwalk as a member of the Common Council. He expressed his gratitude and wished her luck in her new role as State Representative.

Mr. Burnett told Ms. Johnson she was a timeless advocate for what is just and fair and presented Ms. Johnson with a plaque commemorating her service as a Norwalk Common Council member.

Following the well wishes and expressions of gratitude from fellow Common Council members, Ms. Johnson said she was overwhelmed and said the opportunity to be on the Common Council was an unexpected blessing. She said it was an honor to work with this group. She also thanked the city staff for their professionalism.

V. COUNCIL PRESIDENT

Mr. Burnett said as has been the tradition, the Common Council will not meet on December 27th. He wished everyone a happy and safe holiday season.

A. GENERAL COUNCIL BUSINESS:

1. Re-Appointment of Darin Callahan as Assistant Corporation Counsel – EXECUTIVE SESSION

RESIGNATION AND APPOINTMENTS:

RESIGNATIONS: There were none this evening.

APPOINTMENTS: There were none this evening.

REAPPOINTMENTS: There were none this evening.

B. CONSENT CALENDAR:

Mr. Burnett announced that Ms. Alterman would be reading this evening' consent calendar.

**** MS. ALTERMAN MOVED TO APPROVE THE FOLLOWING CONSENT CALENDAR:**

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. ECONOMIC AND COMMUNITY DEVELOPMENT

2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF NORWALK ARTS COMMISSION AND THE CONNECTICUT OFFICE OF THE ARTS IN THE AMOUNT OF \$1,200.

**3. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A CONTRACT WITH KIVA USER FUNDS, LLC IN AN AMOUNT NOT TO EXCEED \$25,000 FOR THE MANAGEMENT AND DISBURSEMENT OF \$247,000 OF AMERICAN RESCUE PLAN ACT FUNDS FOR WOMEN AND MINORITY OWNED ENTERPRISES OVER THE NEXT THREE YEARS WITHIN THE EXISTING KIVA PLATFORM VIA SOLE SOURCE PROCUREMENT. ACCT: 133710-5796-AEC09 (ARPA)
0922-3710-5777-C0773
0923-3710-5777-C0773**

B. PUBLIC WORKS

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE STATE OF CONNECTICUT DEEP URBAN FORESTRY EQUITY THROUGH CAPACITY BUILDING GRANT RELATED TO THE CITY OF NORWALK'S PARTICIPATION IN THE GRANT.

2. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH ALTICE USA FOR THE EAST AVENUE ADVANCED

UTILITY PROJECT NO. 0301-0515NP FOR AN AMOUNT NOT TO EXCEED \$91,000.00.

ACCOUNT NO. 09 12 4021 5777 C0471

09 22 4021 5777 C0471

09 23 4021 5777 C0471

09 21 4021 5777 C0234

09 22 4021 5777 C0234

3. AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACCEPT A DONATION OF CONSTRUCTION MATERIAL FROM THE HATCH & BAILEY COMPANY.

4A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH WATERS CONSTRUCTION COMPANY INC. FOR PROJECT BLDG2022-1 PAVING OF BEN FRANKLIN FACILITY PARKING LOT FOR A SUM NOT TO EXCEED \$128,000.00.

ACCOUNT NO. 09 23 7100 5777 C0295

09 21 7100 5777 C0295

09 23 7100 5777 C0476

09 23 4021 5777 C0021

4B. AUTHORIZE THE CHIEF OF OPERATIONS AND PUBLIC WORKS TO EXECUTE ORDERS ON THE CONTRACT WITH WATERS CONSTRUCTION COMPANY INC. FOR PROJECT BLDG2022-1 PAVING OF BEN FRANKLIN FACILITY PARKING LOT FOR A SUM NOT TO EXCEED \$12,800.00.

ACCOUNT NO. 09 23 7100 5777 C0295

09 21 7100 5777 C0295

09 23 7100 5777 C0476

09 23 4021 5777 C0021

5. AUTHORIZE THE MAYOR HARRY W. RILLING TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THE FIRST SUPPLEMENTAL PROJECT AUTHORIZATION LETTER (P.A.L.) FOR THE ADVANCE UTILITY PROJECT STATE PROJECT NO. 0301-0515/515 NP, ENCLOSED WITH THIS AGENDA WHEREBY THE CITY OF NORWALK WILL TRANSFER FUNDS IN THE AMOUNT OF \$ 343,118.00 ON JULY 15, 2023, AND \$343,118.00 ON JULY 1, 2024, TO FUND THE WORK TO PULLING CABLES BETWEEN FORT POINT STREET AND OLMSTEAD PLACE.

ACCOUNT NO. 09 12 4021 5777 C0471

09 22 4021 5777 C0471

09 23 4021 5777 C0471

09 24 4021 5777 C0471

09 21 4021 5777 C0234
09 22 4021 5777 C0234
09 23 4021 5777 C0818

6A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH THE GRASSO COMPANIES, LLC, FOR PROJECT RD2022-1 CURB AND SIDEWALK AT VARIOUS LOCATIONS, FOR AN AMOUNT NOT TO EXCEED \$431,808.00.

**ACCOUNT NO. 09 23 7100 5777 C0583
134010 5796 APW09**

6B. AUTHORIZE THE CHIEF OF OPERATIONS AND PUBLIC WORKS, TO EXECUTE ORDERS ON CONTRACT WITH THE GRASSO COMPANIES, LLC, FOR PROJECT RD2022-1 CURB AND SIDEWALK AT VARIOUS LOCATIONS, FOR AN AMOUNT NOT TO EXCEED \$43,180.80.

**ACCOUNT NO. 09 23 7100 5777 C0583
134010 5796 APW09**

7. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH WIN WASTE INNOVATIONS HOLDINGS (FORMER CITY CARTING, INC.) FOR CITY-WIDE MUNICIPAL SOLID WASTE COLLECTION DATED SEPTEMBER 28, 2012, IN ORDER TO EXTEND THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2024, WITH AN OPTION TO EXTEND ONE MORE YEAR, BASED ON THE TERMS AND FEE SCHEDULE SET OUT IN THE ATTACHED PROPOSAL DATED DECEMBER 1, 2022. THE FEE FOR JULY 1, 2023 – JUNE 30, 2024, WILL BE \$2,115,000.00 AND FROM JULY 1, 2024 - JUNE 30, 2025, THE FEE WILL BE \$2,220,750.00

ACCOUNT NO. 01 40 28 5258

8. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT WITH WIN WASTE INNOVATIONS HOLDINGS (FORMER CITY CARTING, INC.) FOR CURBSIDE RECYCLING COLLECTION SERVICES, DATED JUNE 30, 2004, IN ORDER TO EXTEND THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2024, WITH AN OPTION TO EXTEND AN EXTRA YEAR BASED ON THE TERMS AND FEE SCHEDULE SET OUT IN THE ATTACHED PROPOSAL DATED DECEMBER 1, 2022. THE FEE FOR JULY 1, 2023 – JUNE 30, 2024, WILL BE \$1,497,600.00 AND FROM JULY 1, 2024 - JUNE 30, 2025, THE FEE WILL BE \$1,572,480.00. AN ADDITIONAL COMMODITY PROCESSING FEE OF \$750,000.00 WILL BE ADDED TO EACH ANNUAL BASE FEE AND IS SUBJECT TO AVAILABLE INCENTIVES BASED ON THE COMMODITY REVENUE SHARE (80% CITY OF NORWALK) 20% (WIN WASTE).

ACCOUNT NO. 01 40 43 5298

9. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE A FOURTH AMENDMENT TO THE SERVICE AGREEMENT WITH WIN WASTE INNOVATIONS HOLDINGS (FORMER CITY CARTING, INC.) FOR TRANSFER STATION OPERATION, TRANSPORT AND DISPOSAL SERVICES FOR MUNICIPAL SOLID WASTE DATED AUGUST 4, 2008, IN ORDER TO EXTEND THE TERM OF THE AGREEMENT THROUGH JUNE 30, 2024, WITH AN OPTION TO EXTEND AN EXTRA YEAR BASED ON THE TERMS AND FEE SCHEDULE SET OUT IN THE ATTACHED PROPOSAL DATED DECEMBER 1, 2022. THE TRANSFER STATION OPERATIONS FEE FOR JULY 1, 2023 – JUNE 30, 2024, WILL BE \$876,000.00 AND TRANSPORT AND DISPOSAL FEE OF \$97.00 PER TON. THE FEE FROM JULY 1, 2024 - JUNE 30, 2025, WILL BE \$919,800.00 AND TRANSFER AND DISPOSAL FEE OF \$101.85 PER TON. ACCOUNT NO. 01 40 42 5298

C. PUBLIC SAFETY AND GENERAL GOVERNMENT

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, AND INSTRUMENTS WITH AXON ENTERPRISE, INC. FOR THE SOLE SOURCE PURCHASE, INSTALLATION AND SERVICE OF BODY WORN CAMERAS, TASERS, DASHBOARD CAMERAS, AND RELATED EQUIPMENT AND DATA STORAGE FOR AN AMOUNT NOT TO EXCEED \$460,394.65 ANNUALLY. ACCOUNT # 013049-5258.

2. AUTHORIZE THE CHIEF OF POLICE TO EXECUTE ANY CHANGE ORDERS NECESSARY TO IMPLEMENT THE BODY WORN CAMERA, TASER, DASHBOARD CAMERAS, AND RELATED EQUIPMENT AND DATA STORAGE PROGRAM FOR AN AMOUNT NOT TO EXCEED \$23,000. ACCOUNT # 013049-5258.

D. FINANCE AND CLAIMS

1. FOR INFORMATIONAL PURPOSE ONLY: REPORT OF THE CLAIMS COMMITTEE DATED: NOVEMBER 2022 AND DECEMBER 2022

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED: DECEMBER 5, 2022

3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: OCTOBER 2022 AND NOVEMBER 2022

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

A. ECONOMIC AND COMMUNITY DEVELOPMENT

**** MR. KYDES MOVED TO** Authorize the Mayor, Harry W. Rilling to execute all documentation and/or resolutions associated with the City of Norwalk's opt out of the State of Connecticut Accessory Dwelling Unit Provisions of Public Act No. 21-29 (HB6107).

Mr. Kydes reviewed the item and said he agrees with opting out and modifying the regulation to the City's needs.

Mr. Goldstein said that opting out is the right option for Norwalk. He said he strongly disagrees with the Planning and Zoning Commission's vote, and everything should be done so people can afford to live in Norwalk. He said the Site Plan Review request in addition to the other requirements are a clear barrier to entry. Mr. Goldstein said they need to use all the tools in the toolbox to increase housing stock. He added that he hopes Planning and Zoning will revise their decision.

Mr. Meek said he will vote to opt out. He said he views this as the lesser of two evils and hopes that Planning and Zoning will come back with a much simplified and flexible approach.

Ms. Niedzielski Eichner said she understands there is a housing crisis and ADUs are a way to meet the unmet demand for housing. ADUs are an excellent option for Norwalk. She said it was important that most of the debate is around the detached ADUs, but most will be attached as part of an existing building.

Ms. Revolus said she was concerned about affordable housing and from the guidelines for affordable housing, these ADUs are not what is considered affordable.

Mr. Livingston said he will be voting to opt out. The State's approach was one size fits all. If they do not opt out, they will not be able to revise the regulations. Mr. Livingston noted that this does not create affordable housing.

Mr. Heuvelman said he looks at this as housing inventory. He has a problem that ADUs would not be as of right and will vote no.

Ms. McMurrer said she wants the community to have the flexibility and by opting out feels they will have that flexibility. She added that she would like to work with the Planning and Zoning Commission and have them listen to the Constituents.

Ms. Smyth said she did not believe this would increase housing stock in Norwalk. She said she was disappointed with the requirement for a site plan review that was just added by the Planning and Zoning Commission.

Ms. Johnson said the Planning and Zoning Commission owes it to the people to respond and adapt this five year affordable housing plan which will be an important tool.

Ms. Young said that in the best interest of the residents of the City, she would be supporting opting out of this. As the sixth largest city in CT, Norwalk wants to have control over this. She said she has concerns about the process. There is also the issue of affordable housing and people have to realize it is not going to happen with ADUs.

Mr. Burnett said he would support opting out. He added that they have to look at every possible way to provide adequate housing in Norwalk. The momentum has to continue to make things right.

Ms. Alterman said she appreciates wanting to diversity neighborhoods like Cranbury. She suggested focusing on that area for people who do not have cars because the bus does not go there.

Ms. Revolus said affordable is 30% of an individual's income, but that amount is not the same for everyone. She said affordability is tied to a person's overall monthly income.

**** MOTION PASSED BY ROLL CALL VOTE WITH TWELVE (12) VOTES IN FAVOR (MR. BURNETT; MR. GOLDSTEIN; MS. JOHNSON; MS. SMYTH; MS. REVOLUS; MS. YOUNG; MR. KYDES; MS. MCMURRER; MS. ALTERMAN; MR. MEEK; MR. LIVINGSTON; MS. SHANAHAN) AND TWO (2) VOTES IN OPPOSITION (MS. NIEDZIELSKI EICHNER AND MR. HEUVELMAN)**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

X. SUSPENSION OF RULES

There were none.

XI. ADJOURNMENT

Ms. Revolus wished the members of the Haitian Community a Happy and Blessed Haitian New Year. She said it is a celebration for a Community who had gone through triumphs and tribulations.

**** MS. JOHNSON MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:54 p.m.

ATTEST: _____
Irene Dixon, City Clerk