

SECOND TAXING DISTRICT COMMISSIONERS

Special Meeting Minutes
September 7, 2016

Present:	David Westmoreland Maria Borges-Lopez Harold Bonnet Mary Geake Mary Mann Sandra Stokes Martha Wooten-Dumas	Chairperson Vice Chairperson
Absent:	None	
Also Present:	Paul Yatcko Lisa Roland Darlene Young Kara Murphy, Esq. Jeffrey Olszewski	General Manager District Clerk Treasurer Tierney, Zullo, Flaherty & Murphy Stantec Project Manager
Public Present:	Jim Delgreco Ernie Dumas Daisy Franklin Sherelle Harris Willa Jefferson Michael Mushak Travis Simms	

This meeting, in its entirety, was recorded.

Call To Order:

Chairperson David Westmoreland called the Special Meeting of The Second Taxing District Commissioners to order at 7:07 p.m. on Tuesday, September 7, 2016. The meeting was held at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Chairperson Westmoreland read the Legal Notice.

REGULAR AGENDA:

1. Draft Master Plan – Ryan Park – As presented to the Recreation & Parks Committee of the Common Council, August 10, 2016. Presentation to be made by the representatives of Stantec.

Jeffrey Olszewski, Project Manager at Stantec, made the following presentation to those present at the Special Meeting.

Plans for the development of Ryan Park began about a year ago with an existing [plot] survey, numerous meetings with various City of Norwalk departments, and community and public participation. Public participation included outreach meetings and online surveys. Most of the top elements and concerns vetted through these channels have been incorporated and addressed by the approved Master Plan, to be presented to the Commissioners here at this meeting. This is the Master Plan of Ryan Park as presented to the Recreation, Parks & Cultural Affairs Council Committee on August 10, 2016 and to the Common Council on August 23, 2016.

A brief overview of the key features and elements included in the Ryan Park Master Plan are:

The Northeast corner, at the intersection of Raymond and Day Streets, and which is currently the focal point entrance to the Park and to the parking lot on the side, will be made into a significant entrance plaza with an “active” feel – potentially to include a kiosk, game tables, and local art – and not just an entrance/exit pass-through.

Moving around the perimeter loop are a series of specific design elements, referred to as “jewels,” including a public garden; a newly resurfaced, full regulation sized basketball court, with an additional small seating area to establish seating on both sides, and with a smaller section of new fencing around the corner; bike racks; a quantifiable fitness loop (1/10th of a mile) with equipment (treadmills, bikes) specifically designed for outdoor heavily used environments; separate fully-accessible interactive playgrounds, with rubberized safety surfacing, for two age groups of children – 5 to 12 years old and 2 to 5 years old – of all abilities; a picnic gathering area with overlapping tent coverings, potentially providing space for community presentations, programs or events; a splash pad with additional sculptural elements, enhancing appearance of the space when the pad is not operational, and acting as additional play structures; replacement of the high fencing along Day Street with split rail fencing and low vegetation to enhance appearance of the park while allowing visibility from the road; a space for temporary, slip- in portable toilets (to be contracted by the City of Norwalk on an as-needed basis); a reconfigured parking area, still maintaining the required number of spaces (29), but also allowing for access from the Community Center and allowing access to park related services such as lighting, Wi-Fi, electrical outlets, splash pad elements, etc.

Public Participation

The following are summarized questions, answers, and comments made throughout Jeff Olszewski’s presentation, and constitute the public participation session of the meeting.

QUESTION: *Commissioner Martha Wooten-Dumas & Willa Jefferson, at different*

times during the discussion: What is the location of the porta-potties? Will there be fencing?

ANSWER: *Jeff Olszewski:* They would be located immediately adjacent to the parking area. They would be located on a step-up pad, within a kiosk/shed like structure with the front side open and facing the Park, and with the back of the structure butting the Mt. Zion Baptist Church building on Raymond.

QUESTION: *Commissioner Sandra Stokes:* How many and where are the parking spaces located?

ANSWER: *Jeff Olszewski:* Twenty nine (29) spaces are required by the Community Center's Deed, they have been pushed out from Park, and are located in a reconfigured space behind the Community Center.

COMMENT: *Chairperson Westmoreland:* The reconfiguration of the parking area will be better than what is there today and will move the parking out away from the park, allowing for more green space.

QUESTION: *Commissioner Mary Geake:* Is there access to water [for drinking]? Toilet facilities?

ANSWER: *Travis Simms (member of Norwalk Common Council) & Jeff Olszewski:* Although they are not shown on this Master Plan, there will be water fountains and electrical outlets throughout the Park. In addition, a recommendation will be made to provide Wi-Fi. None of these things are specifically shown on the Master Plan.

COMMENT/QUESTION: *Daisy Franklin:* My kids like that small little park we call Rainbow Park, but I understand it is necessary for it to be moved, and there is a water fountain there already. Are more going to be added or will there just be the one water fountain?

ANSWER: *Jeff Olszewski:* More water fountains will be added throughout the Park. Specifically near the playground, the basketball hoop, and another at an equidistant location from there.

QUESTION: *Daisy Franklin:* Who will take care of the Garden space?

ANSWER: *Jeff Olszewski:* The City of Norwalk will take care of the garden and the materials will be selected from a palette of selections that they already currently maintain at other areas.

QUESTION: *Darlene Young:* What is the time frame?

ANSWER: *Jeff Olszewski:* [Stantec] is immediately moving into construction documents now; best guess, based on funding, would probably be the fall of 2017.

QUESTION: *Daisy Franklin:* What is going on with the flooding [issue]?

ANSWER: *Jeff Olszewski:* Flooding issue was not addressed by the Master Plan. There is a design already completed for the raising of Raymond and Day Streets at that intersection. The elevation will be raised and the Park will meet that.

COMMENT: *Chairperson Westmoreland:* Talk about the grading on the lawn, the lawn space and what it can be used for.

ANSWER: *Jeff Olszewski* The lawn will be slightly larger than what it is now, and the grade and pitch will be very similar to what it is now. The only area where it starts to elevate is right along here [points to area]. The slope is 2 ½ % and is not detectable, but sufficient to drain water away from it. The lawn is not intended for formalized sports, but can be used for pick-up games or hosting lawn events/activities.

QUESTION: *Daisy Franklin*: With the current design, will water move outside the Park to South Main St? The water will remain inside the Park?

ANSWER: *Jeff Olszewski* The water will not move past its current flood elevation.

QUESTION: *Willa Jefferson*: What type of fencing is being proposed between the Park and Mt. Zion's property? Right now there is chain link fence.

ANSWER: *Jeff Olszewski* The proposal calls for black vinyl coated chain link fence, but may change with the budget.

QUESTION: *Willa Jefferson*: Is there another entrance between the one by the Community Center (currently used by both pedestrians and vehicles) and Raymond Street, in addition to the main entrance? Is there an entrance directly from the Community Center? Are there 3 entrances?

ANSWER: *Jeff Olszewski* There are a couple of entrances along Raymond Street, through the Garden at the corner of Raymond and Day, one in the middle of Day Street, as well as a variety of entrances corresponding directly with elements of the Park.

COMMENT: *Chairperson Westmoreland*: For the most part the design of the Park doesn't call for barriers and entry can be made from almost anywhere.

COMMENT: *Jeff Olszewski*: Acknowledged that entry can be made almost anywhere, although there may not be pavement or a path at that particular entry point.

QUESTION: *Darlene Young*: How is the egress issued resolved? Where is the egress path? How wide is it?

ANSWER: *Jeff Olszewski*: Part of the development around and the raising of raising of Raymond and Day Streets forced the design of the Park to meet the same grade. Thus the walkway for accessibility runs flat, serpentine to follow the 1/10 mile walking track, and is 6 feet wide.

COMMENT: *Travis Simms*: The egress is located outside of the Park area where the walkway is.

COMMENT: *Jeff Olszewski* The 12.5 elevation that follows this [pointing], it can either come here or it can follow this to meet ADA accessibility. It is the existing elevation at the backside of the Community Center and what is proposed at the corner.

COMMENT: *Travis Simms*: The grade is not actually 12.5 feet high.

COMMENT: *Jeff Olszewski* No, that's in relationship to other grades. The intersection will be at the highest increase and the existing elevation at the intersection is 7. The proposed intersection will be raised up to 12.5.

COMMENT: *Chairperson Westmoreland*: When you come off the street into the Park,

it's flat because the street is raised.

COMMENT: Jeff Olszewski: Every walkway and every part of this Park will be ADA accessible.

COMMENT: *Chairperson Westmoreland*: The 12.5 feet spread over the length of the Park results in a slight 2 percent grade which is perceived as flat, but prevents puddling and takes care of the dry egress issue.

QUESTION: *Darlene Young*: Are you saying that there won't be any fencing for majority of the Park?

ANSWER: *Jeff Olszewski*: Correct, but there will be fencing along the southern portion with vinyl coated chain link fence, as well as along Day Street which will be a split rail fence cast out of concrete. These are long lasting and don't require maintenance.

QUESTION: Commissioner Wooten-Dumas: Is it the type [of fence] you can sit on?

ANSWER: Yes, you can sit on it.

QUESTION: *Darlene Young*: Recreations and Park will be primarily responsible for maintaining the property? Are we assured of this – it won't be an issue?

ANSWER: *Jeff Olszewski*: Correct.

QUESTION: *Darlene Young*: The Washington Village project will begin after the Park has been completed?

ANSWER: *Jeff Olszewski*: The time frame for Washington Village is different than that for the Park and not sure of exact time frame.

COMMENT: Commissioner Wooten-Dumas: Work will be done at the same time.

COMMENT: *Jim Delgreco*. City does a great job of maintaining Flax Hill Park, but community also has to be involved in the up keep.

COMMENT: *Michael Mushak (Landscape Architect, also involved in zoning when Washington Village was approved)*: This is a world class park that South Norwalk deserves. Washington Village will have on-site management office with security and social services for the residents. This represents a new model for housing, and he believes this management will take an active role in keeping watch over the Park. He applauds the designer and all the community that was involved.

COMMENT: *Commissioner Stokes*: Agreed that the Park will add exceptional value to the community at a whole other level than the current Park. There are so many aspects of the new Park that will help the community in so many ways and there is a lot of value in it.

COMMENT: *Commissioner Wooten-Dumas*: Can't wait to see the type of play equipment because the current equipment is lacking.

COMMENT: *Commissioner Stokes*: The new Park will include play areas for autistic

children and children with developmental issues.

COMMENT: *Daisy Franklin*: The little park that is currently there is a nice little park for the little ones, but more is needed and it needs to be kept clean and maintained.

QUESTION: *Willa Jefferson*: Can you point out the lighting? Is there going to be lighting?

ANSWER: *Jeff Olszewski* Lighting will be located all around the perimeter, around the pavilion and in some other specific areas. Existing lighting around the basketball court will be repurposed.

QUESTION: *Travis Simms*: Will there be picnic tables along the common areas of the park where people are likely to congregate the most?

ANSWER: There will be large, movable - but not easily movable - tables.

QUESTION: *Darlene Young*: From time to time the Park is used for fairs and the like. Will there be an entrance for larger vehicles?

ANSWER: *Jeff Olszewski* Have allowed for space off this [points] intersection if needed for access directly onto the lawn. Accommodations have been made.

COMMENT: *Commissioner Westmoreland*: Assumed that only dark sky compliant fixtures will be used. The fixtures cast the light straight down so they light the Park and not outside the Park.

ANSWER: *Jeff Olszewski* Yes, we have to use dark sky fixtures, and in some instances house shields will be in place as well.

QUESTION: *Commissioner Stokes*: Are there any potential environmental concerns?

ANSWER: *Jeff Olszewski*: We are working closely with Weston & Sampson, the City's consultant that's handling the environmental aspect. The Park's development plan is being coordinated with the environmental clean-up so that the site will be fully clean and in compliance with any minimum direct exposure criteria when it is turned over for the construction phase.

COMMENT: *Chairperson Westmoreland*: Weston & Sampson are working for the Redevelopment Agency. And, for the record, he (Chairperson Westmoreland) reviewed the draft findings of Phase II. Core samplings found all sorts of chemical hazards. His immediate concern was health and safety of the public and he alerted city officials. They consulted with Weston & Sampson. Information he received is that there is no immediate public health risk today. Chairperson Westmoreland will be keeping watch on this issue as he is concerned that this [environmental hazards] get handled properly before the Park is built.

QUESTION: *Willa Jefferson*: For Park planning purposes, will Raymond Street remain a one-way street?

ANSWER: *Jeff Olszewski*: Raymond Street will remain one-way.

QUESTION: *Darlene Young*: But could that direction change?

ANSWER: *Several respondents at once*: The direction can change.

COMMENT: *Michael Mushak*: When Washington Village zoning was approved, the assumption was made that the direction would remain one way and as it is currently. All traffic studies were based on that assumption. If the direction does change, it will have an impact on other areas. Plan is for Day Street to connect through to Haviland which is now cut off. This access is important to increase circulation, allowing more places for people to walk and drive.

COMMENT: *Willa Jackson*: Strange that Raymond would remain a one way going into Washington Village as opposed to providing an outlet from Washington Village in the event of flooding or other emergency.

COMMENT: *Commissioner Geake*: She believes that in times of emergency the police would take over and direct traffic as necessary for the situation. So there wouldn't be any need to worry.

COMMENT: *Willa Jackson*: Would worry because of the delay in arrival of police. Does one wait for them?

ANSWER: *Commissioner Geake*: No, you don't wait. You just go. She believes Police would step in and all roads will lead out if needed in evacuation.

COMMENT: *Daisy Franklin*: She likes what she sees and is hearing. She likes the playgrounds and walkways.

QUESTION: *Ernie Dumas*: How soon will the environmental testing be completed and will that information be given to the public? It should be looked at closely.

ANSWER: *Chairperson Westmoreland*: He has asked multiple times to have the information released to the public. He has been told that the information is not ready, and that the contaminants are underground and do not pose a threat to the public today.

QUESTION: *Ernie Dumas*: Can independent testing by another company be performed?

ANSWER: *Chairperson Westmoreland*: The problem is that the Second Taxing District doesn't own the property and would have to have the City's permission to do additional testing.

QUESTION: *Commissioner Stokes*: Does Stantec have any authorization on the environmental issue? Does the City have the final authorization on determining whether the site is ready for construction?

ANSWER: *Jeff Olszewski*: There is a tremendous amount of scrutiny and numerous levels of command before the City will give the site final clearance. Has to be approved by the DEEP, who is hired by the City, and the EPA before it goes to the City.

QUESTION: *Chairperson Westmoreland*: I was told that Stantec will be working with Weston & Sampson?

COMMENT: *Jeff Olszewski*: Stantec will be working directly with Weston & Sampson

to assure that the site they get is ready for construction. The cost for construction may be modified based on the cleaning requirements encountered. Criteria for turnover for construction is a fully clean and constructible site.

COMMENT: *Darlene Young*: Thank you to the Commissioners for all the work they have performed regarding this worthwhile project.

COMMENT: *Chairperson Westmoreland*: Thank you.

Public Participation session ended.

EXECUTIVE SESSION:

Discussion of Draft Master Plan on Ryan Park

Chairperson Westmoreland indicated that Executive Session was not required and the meeting moved onto the second item of the regular agenda.

REGULAR AGENDA:

2. Commission Action on Draft Master Plan of Ryan Park

Chairperson Westmoreland corrected the agenda. The draft Master Plan was initially scheduled to be presented to the Common Council the week of September 12th, but instead was presented to, and approved by, the Common Council on August 23rd. Thus the plan presented at the Special Meeting was officially **The Master Plan** of Ryan Park for the City of Norwalk, not a draft.

The Second Taxing District has a restrictive covenant on the Park which states the Park shall only be used for recreational purposes. The Commission's decision to make during this Special Meeting of September 7th was to decide whether or not the Plan was consistent with the Commission's restrictive covenant, and whether the Plan should be approved. Alternatively, the Commission could decide not to approve, or to table the decision.

Chairperson Westmoreland expressed his opinion that the approved Master Plan greatly enhances the recreational use of the Park and is overwhelming compliant with the Commission's restrictive covenant. Chairperson Westmoreland believes the Commission needs to pass the Resolution given the amount of attention, discussion, misquoting, legal actions etc. expressed over the Second Taxing District's restrictive covenant, and that the District needs to protect its rights to maintain its covenant by taking a public and formal stand by saying either "Yes" or "No" to the Master Plan.

Attorney Kara Murphy had prepared a Resolution, referencing a draft Master Plan, which was originally intended to be forwarded to the Common Council prior to having arrived at an approved Plan.

Commissioner Stokes had several questions regarding the wording of the Resolution. The questions pertained to ensuring that the District maintain its rights to enforce its restrictive covenant should future revisions be made to the Park's Master Plan, and should environmental issues remain uncorrected which would adversely affect the public's health and safety. Commissioner Stokes also raised the issue of changes to the Park arising from the Redevelopment Committee.

Attorney Kara Murphy suggested revisions to the Resolution to ensure the Commission's rights are not violated in the future. Her position was that the public health and safety issue was not a condition that could be controlled by the covenant, as well as unnecessary as the City has a responsibility to all of its citizens to protect health and safety. As for the Redevelopment Agency, the Commission will continue to hold its rights to review any future changes.

A motion to amend the Resolution was made by Commissioner Stokes and seconded by Commissioner Wooten-Dumas.

The motion carried unanimously.

(16-09-07-2-1)

Attorney Kara Murphy read the **amended** Resolution, presented **verbatim** below. The bolded paragraphs are those that are salient to the District's rights, indicating the District's agreement that the Master Plan as currently presented meets with their approval, but also continuing to allow the District to take legal action in the future to enforce its restrictive covenant should revisions to the Park's Master Plan occur.

BEGINNING OF AMENDED RESOLUTION

“RESOLUTION REGARDING THE MASTER PLAN FOR RYAN PARK

WHEREAS, the Second Taxing District of the City of Norwalk was the original owner of Ryan Park, and transferred title to the park to the City of Norwalk on June 21, 1962, subject to the following restrictive covenant: “It is a condition of this deed that said premises shall be used for recreational purposes only, and that this condition shall be a covenant running with the land”, which is recorded on the Land Records of the City of Norwalk at Volume 580, Page 1; and

WHEREAS, the City of Norwalk moved the physical location of Ryan Park to its current location at the intersection of Day Street and Raymond Street in South Norwalk with the permission of the Second Taxing District of the City of Norwalk, subject to a restrictive covenant in 1984;

WHEREAS, by virtue of an Imposition of Restriction recorded on the Land Records of the City of Norwalk at Volume 1676, Page 276 on August 14, 1984, the City of Norwalk and the Second Taxing District of Norwalk agreed that “New Ryan Park” would be subject to the following restrictive covenant: “Said premises shall be for recreational purposes only and this condition shall be a covenant running with the land and is enforceable by the Second Taxing District of the City of Norwalk”;

WHEREAS, on or before June 30, 2014, the U.S. Department of Housing and Urban Development awarded the Norwalk Housing Authority and the City of Norwalk a Choice Neighborhoods Initiative grant for the rebuilding of the Washington Village public housing complex, which is adjacent to Ryan Park;

WHEREAS, the Choice Neighborhoods Initiative grant includes funds for improvements to Ryan Park;

WHEREAS, the Commissioners of the Second Taxing District of the City of Norwalk have had an opportunity to review the Master Plan of Ryan Park as presented to the Recreation, Parks & Cultural Affairs Council Committee on August 10, 2016 and to the Common Council on August 23, 2016; and

WHEREAS, the Commissioners of the Second Taxing District of the City of Norwalk have had an opportunity to meet with representatives of Stantec, which prepared the Master Plan on Ryan Park, on September 7, 2016.

Resolved, that the Commissioners of the Second Taxing District of the City of Norwalk believe that the rebuilding of the Washington Village public housing complex and improvements to Ryan Park are important to the quality of life for the residents of the Second Taxing District of the City of Norwalk;

Resolved, that, without waiving its right to enforce the restrictive covenant, now or in the future, the Commissioners of the Second Taxing District of the City of Norwalk believe that the aforementioned Master Plan of Ryan Park, as currently designed, is consistent with the recreational purposes of the restrictive covenant on Ryan Park;

Resolved, that the Commissioners of the Second Taxing District of the City of Norwalk reserve the right to review any revisions to the aforementioned Master Plan of Ryan Park in order to ensure compliance with the restrictive covenant on the park; and

Resolved, the General Manager and Chief Executive Officer of the Second Taxing District of the City of Norwalk notify the City Clerk and the Director of Recreation and Parks of this resolution and request that a copy of the resolution be forwarded to the Mayor and members of the Common Council.”

END OF AMENDED RESOLUTION

A motion to approve the amended Resolution, as presented verbatim above, was made by Commissioner Mary Geake and seconded by Commissioner Sandra Stokes.

The motion carried unanimously.

(16-09-07-2-2)

Adjournment

The motion to adjourn was made by Commissioner Maria Borges-Lopez, and seconded by Commissioner Mary Mann.

The motion carried unanimously.

The meeting adjourned at 8:15 p.m.

Attest:

Lisa G. Roland
District Clerk