

FINAL

THIRD TAXING DISTRICT
of the City of Norwalk
Special Commission Meeting
March 29, 2019

ATTENDANCE: Commissioners: Johnnie Mae Weldon, Chair; Debora Goldstein;
Pamela Parkington

STAFF: Kevin Barber, General Manager
Ron Scofield, Asst. General Manager/District Clerk
Mike Adams, General Line Foreman (departed at 11:08 a.m.)

OTHERS: Peter Johnson, CMEEC Ratepayer Representative
Mayor Harry Rilling, City of Norwalk (departed at 11:00 a.m.)
Lisa Burns, City of Norwalk
Anthony Carr, City of Norwalk
Laoise King, City of Norwalk

CALL TO ORDER

Commissioner Weldon called the meeting to order at 10:02 a.m. A quorum was present.

PUBLIC COMMENT

No one from the public was in attendance to comment.

EAST AVENUE DESIGN PROJECT

Mr. Barber said that as follow-up to an email from Mayor Rilling to the Commission, the Commission did meet at a Special Commission meeting on March 20, 2019. At that meeting, the Commission requested to have a meeting with the Mayor and his staff to discuss the issues that were raised in the Mayor's email and to help the Commission understand the whole scope of the project in order for them to be able to make determinations on how Third Taxing District would like to move forward.

Mayor Rilling: "First of all, we appreciate the opportunity to come before the Commission. Thank you for having the meeting and for inviting us. What we're looking to do is bring you up-to-date on the status of the East Avenue Project. The project team is here, ready to answer any questions that you may have. I think what we're ultimately looking for now, obviously not looking for a commitment for you to underground your utilities. We're not looking for that.

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We're looking for the opportunity to meet with your staff so that they can tell us where your infrastructure is, where the best places for our infrastructure might be and help us with the design process. Should, in the future, you decide to become a partner and go underground with us, then you'd have that opportunity. We can accommodate that in advance knowing that here's what you'll need perhaps at some day in the future. We're not looking for you to say, okay, we're ready to go underground. We're not looking for that. We're just looking for you to work with us or have your staff work with us and kind of give us an idea where your infrastructure is, what your needs are in the event that you do wish to partner with us in the future. That's pretty much it. Like I said, we do appreciate the fact that you're meeting with us." Mayor Rilling then turned the meeting over to his staff.

Project Status

Ms. Burns indicated that Mr. Adams has been working on the project quite a bit with the Walk Bridge portion. The road is being reconstructed, it is being widened from Myrtle Street down to Van Zant Street. All utility poles on East Avenue need to be moved regardless of who owns the poles, i.e., TTD, Frontier, Altice, etc. to accommodate the road widening. Most of the poles on East Avenue in this area belong to SNET or Frontier.

As of now, they are at 90% design for the bridge portion of the utility relocation. Ms. Burns has yet to see the final plans. Third Taxing District electric lines are going underground to accommodate the bridge construction from Fort Point Street to Winfield Street. What the City is looking to do is explore the opportunity to continue south to Van Zant Street and north to Myrtle Street. The City has had Utility Coordination meetings with Frontier, Altice and Crown Capital. Proposals are being submitted to the City from these vendors for an underground option by mid-May.

This project will be done as part of an Advanced Utility Coordination Contract, so the utilities will be relocated before the bridge construction commences to accommodate the lowering of the road under the Metro North bridge before the bridge is demolished and the abutments are widened. The new bridge will be 58 feet from abutment to abutment.

Since attending the Visioning meeting on March 23, 2019, Ms. Burns took away some of the following information. This project alleviates a lot of the concerns which were congestion on East Avenue, vehicles are using other neighborhoods to try and bypass the congestion. People do not feel it is a friendly place to walk on East Avenue. They felt it was dangerous. The pedestrian crossing at the railroad station was identified as a concern for safety. Residents are looking to feel protected walking. The design is proposing a 7 foot wide sidewalk and street trees which would put a buffer between the roadway and the walkers. The poles also become an ADA issue. You don't get as wide a sidewalk when there are poles. The project is being mindful to accommodate those residents who have mobility issues. Lighting was another topic, specifically for the night hours, while crossing at the railroad station.

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The City has talked to Hariman (facilitators of the East Norwalk Study) and suggested that at a subsequent meeting the City do a brief update to the public about the project and what the plans are to solve some of the issues.

Ms. Burns reminded the Commission from the meeting in January that there will be a new traffic signal at Fort Point Street and hopefully a realigned driveway at 215 East Avenue.

Commissioner Goldstein asked for clarification as her understanding is that the ask right now is just to Fitch. Ms. Burns stated that the City's project limits are from Fort Point Street to Myrtle Street and from Winfield Street to Van Zant Street, which is Project #102-297. The middle part is the walk bridge. Both of the projects are being handled by the same contractor and all the work will be done at the same time.

Commissioner Goldstein raised the issue of pole attachment revenue for all the poles that are planned to be removed plus the cost of the lighting that TTD provides.

Commissioner Goldstein asked about the snow shelf on the sidewalks and whether or not the snow shelf is included in the 7-foot wide sidewalk. Ms. Burns replied that the snow shelf is still an issue that's open to be decided by the Design Committee.

Mr. Barber asked if there will be sidewalks on both sides underneath of the reconstructed bridge. Ms. Burns stated, yes.

Commissioner Goldstein would like to request the most current version of the bridge because it is her understanding that there was supposed to be a way to get from platform to platform. It is her understanding that there would be a way to get to the other side without having to go down and cross East Avenue at road level and then go back up. Mayor Rilling stated that Spinnaker is planning something for 230 East Avenue. Ms. Burns said that elevators are currently being planned. The platform is being extended over East Avenue so that you will be able to cross over East Avenue, but not over the tracks.

Mr. Johnson asked about another traffic signal being added at Fort Point Street. Ms. Burns said, yes, that there is one proposed. The lights will need to be synced down East Avenue. Currently, the lights are not synced properly. The lights at Winfield Street, Fitch Street, Myrtle Street are all going to be replaced plus the proposed one at Fort Point Street and then synced.

Ms. Burns stated that with respect to traffic, there have been traffic studies conducted and they have been updated throughout the years. She indicated that there has always been a need for a traffic signal at Fort Point Street.

Mayor Rilling stated that this project is designed to correct more than just the lights. The project is designed to stop the weaving from one lane to the other, designed to accommodate more vehicles, designed to include new signalization that will be able to be synced more easily and allow the City to do what they need to do. Syncing lights will not correct the current problems on East Avenue, but will help the issue.

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Right of Way

Mr. Barber said he now understands the scope of what is being presented, as he thought the project extended further up East Avenue towards I95. It appears that it is only up to Myrtle Street.

Commissioner Goldstein asked if there is contemplation that the City is going to expect to come back and underground more of the system all the way to Exit 16 in connection with any future project in this geographic area. Ms. Burns believes it will fall out of the East Norwalk TOD if the public supports the continuing efforts to underground utilities. This is one of the only places in Norwalk where the community has not had the aesthetic improvement of underground utilities.

Commissioner Goldstein asked Mr. Carr about issues with salt and water in the underground portions of other cities. He replied that one issue is with the salt. The conduit that the electrical data communications would be fed into is typically PVC and plastic is highly anticorrosive against salt. It would depend on what the utility company requires, but other counties allow PVC. The conduits and the power sources are protected within the conduit that is subsurface and is not sure how the salt would find its way there.

Mr. Barber said that a benefit from TTD's electric side is that we have very good reliability. From the studies he has read, when it talks about undergrounding, it is supposed to help reliability. East Avenue doesn't have a lot of trees and the impacts which would affect reliability. Whether or not it would gain us on a reliability issue, probably is minimal. He does not believe TTD can get much better. It will just be more aesthetically pleasing.

Mayor Rilling is asking TTD to work with the City in order for the City to know what would be best for TTD in the future if TTD decides to go underground on East Avenue. He reiterated that the City is not asking TTD to go underground at this time. He is asking TTD to work with the City and tell the City what TTD would need should they make the decision to underground in the future.

Commission Parkington said that from Myrtle Street to I95 she counts ten poles. She asked if those poles will remain up. Ms. Burns said it is a different project with a project number with multiple options and that this project is probably more than ten years away.

Mr. Barber, after conducting a little research, said it's not just undergrounding of the utilities, it's also the service into the homes. There are problems that arise from that because once you go to the meter, you need to replace the meter pan and that opens up "Pandora's Box" as far as the code issues for that home. What if the homeowner does not want you touch the meter or the service in the house. This would create an expensive issue for the homeowner.

Mr. Johnson added that once you take out an electrical permit for any electrical in the house, there are mandatory upgrades, including smoke detectors. A fuse box would need to be updated

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to a breaker panel. It is not just changing the meter, it's everything else that would need to be brought up to code. He believes that most of the homes that would be affected still have fuses. TTD's responsibility ends at the meter. The homeowner will be responsible for any other expenses incurred.

Ms. Burns believes that there are very few services on the corridor in question, which makes the issues less complicated. The City has had the same conversation with other utilities. She indicated that the cost would be paid by the City of Norwalk. Most of the aerials utilities that the City has spoken with to date can be fed from side streets.

Mayor Rilling stated that they need to figure out what the ask is of TTD as the City is not asking TTD to make a commitment to go underground. The City is planning to go underground with the other utilities no matter what TTD's decision will be. They will be putting in the infrastructure. They need to know what would be best for TTD in the event that some day TTD decides they would like to underground utilities. The City is asking how can they best accommodate that now. All the City is asking for today is that the City be able to discuss with staff and allow them to discuss with the City what would be best for TTD in the future when the City starts to put in this infrastructure.

Ms. Burns talked about funding. She indicated that TTD would possibly be using a consultant to arrive at an answer about the undergrounding issue. She stated that the City of Norwalk would reimburse the cost for this. If there are questions that TTD would like answered outside of their realm, i.e., reliability or ongoing maintenance costs, if TTD would like to include that in their scope of services, the City would reimburse TTD for that cost as well.

Commissioner Parkington would like to see the TTD staff work with the City in order to come up with a list of expenses so TTD knows the determination. TTD cannot make a strategic business decision unless they have a plan, knows what the cost is, what the reliability is, and all the options involved. She is in favor of allowing the staff to work with the City so a decision can be made down the road. Right now TTD is just talking about what ifs. She would like to see numbers. She needs to see if it's feasible and that TTD will get the equipment they want, the coordination with the City and whether or not TTD can do it. It may be that it will exceed \$3 million, just for the undergrounding for TTD.

Commissioner Goldstein pointed out that the City has given TTD a fairly tight timeline and the city is also suggesting TTD hire a consultant to assist with the decision. She would like to see the streamlining issue hashed out because by Charter it is TTD's decision about the lights.

Street Lighting

Ms. Burns indicated that in the SNEW territory, the City purchased all the decorative street lighting, but SNEW maintains it. In Eversource zone, the City purchases the street lighting and they also maintain it. TTD would fall into the same category as SNEW, where the City would purchase the lighting and TTD would maintain it.

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Mr. Barber stated that one of the concerns is that decorative street lighting is more expensive than a standard cobra head light that's on a pole. The City would purchase them and turn them over to TTD to maintain. TTD would be responsible for replacing them if and when they are damaged by a car that takes them out.

Commissioner Parkington asked if this were to happen would the City replace the light at their expense. Ms. Burns replied it would be dependent on the agreement between TTD and the City of Norwalk.

Commissioner Goldstein stated that in the past she had asked the former General Manager about the proposal for decorative lighting that the City kept floating publicly without checking with the Commission. The City wanted the fancy ornamental poles and it was asked of the former General Manager what the cost would be. The plain wood poles are approximately \$800 to \$1,000 and some of the ornamental poles can be near \$10,000. The pole near the train station has been hit, damaged and/or replaced three times since she has been on the Commission. There are certainly issues on East Avenue. Commissioner Goldstein is pretty clear that the Charter states that light poles in the TTD District are TTD's decision.

Commissioner Parkington is looking for an agreement similar to Eversource's where the City purchases the equipment and TTD would inventory and maintain the equipment. Ms. Burns indicated that an agreement can be worked out anyway that is agreeable to both parties.

Mr. Barber asked if there would be decorative street lighting for only a small portion of East Avenue, but the portion between Myrtle and I95 is still going to be the wood light poles. Ms. Burns indicated that if the budget allows, the City will continue further up the road.

Mr. Adams pointed out that Olmstead Place is a split street for electric; one side is TTD, the other side is Eversource.

Commissioner Goldstein asked if an agenda item could be added to the upcoming Commission meeting on April 1, 2019 in order to take a vote on the decision that needs to be made for this item.

215 East Avenue

Ms. Burns understands that the TTD Commission has been talking about the house at 215 East Avenue for a few years now, but it appears that there hasn't been any decision made on what they plan to do with it.

The City is looking to realign Fort Point Street with the driveway entrance of the train station where 215 is currently located. The current driveway into the train station is owned by the City of Norwalk, as well as the parking lot. With East Avenue getting lowered, the grade to enter the lot will worsen (approximately a 12% grade). The pedestrian crossing with the realignment of the entrance will be much better. It will then become a protective crossing.

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Commissioner Parkington raised the issue of the Founder's Monument which is located in front of the train station parking lot. Ms. Burns said that it is already included in the City's plan to preserve the monument, store it during the construction and then replace it in approximately the same location. Ms. Burns said another improvement will be the bus hub.

The Commission discussed the need of the right of way to the East Avenue substation. Mr. Barber said the concern as a utility is access to the substation.

Commissioner Goldstein said she had been thinking of other ways to deal with this project. The East Avenue substation backs up to the Fitch Street substation. She questioned whether or not if there was a way for TTD to access from the Fitch Street substation or even if the substation could be accessed through the parking lot of the train station. Mr. Barber said no one has given any thought at all with regard to alternate access. Mr. Johnson added that is not safe to enter from any other direction, due to equipment.

Commissioner Goldstein said another item was the value of the land. After St. Thomas Church was talking about terminating their lease with the City of Norwalk for the extra parking spaces behind the school, the Commission was discussing a very elaborate parking alternative or leveling the house and garage and putting parking spaces that TTD could lease to the City. The proposed ramp does not give TTD any value on behalf of the ratepayers. The value associated with the easement would not give TTD full value for the property. She knows the City indicated that they do not want to own.

Ms. King said that the City of Norwalk is completely open to any ideas on what to do with the piece of property. Their first preference is not to own the property, but it is not out of the question, and she believes that an alternative way to monetize it, is certainly open for discussion.

Ms. Burns is looking to get a feel as to whether or not the Commission would like to proceed with the realignment of the driveway with Fort Point Street.

Real estate needs to be discussed under an Executive Session. The Commission has asked that an Executive Session be added to the upcoming April 1, 2019 Commission meeting. The Commission invited Ms. King to attend the session.

Commissioner Goldstein also asked the City that any future public statements with regard to this project please be joint with Third Taxing District and the City of Norwalk.

Commissioner Parkington stated that someone is misfeeding information to the press as she has received phone calls from the media asking for a statement on a list of items as if decisions had already been made. Her response to the media was "no comment."

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ADJOURNMENT

- ** COMMISSIONER PARKINGTON MOVED TO ADJOURN.**
- ** COMMISSIONER GOLDSTEIN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 11:37 a.m.

Respectfully submitted,

Cynthia Tenney
Executive Assistant
Third Taxing District