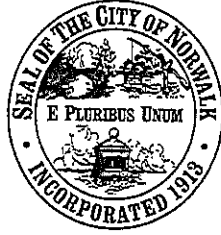


# CITY OF NORWALK

LAW DEPARTMENT

CITY HALL  
125 EAST AVENUE, P.O. BOX 5125  
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750

FAX: (203) 854-7901

## COMMON COUNCIL ORDINANCE COMMITTEE

### REGULAR MEETING

November 15, 2016  
7:00 p.m. – Room 231  
Norwalk City Hall-125 East Avenue  
Norwalk, CT

### AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on):
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: October 18, 2016
6. OLD BUSINESS (possible action on):  
Arts Commission  
Extra Police Work  
Parking Authority
7. NEW BUSINESS: (possible action on):  
Oak Hills Park Authority  
Indemnification
8. ADJOURNMENT

**CITY OF NORWALK  
ORDINANCE COMMITTEE  
REGULAR MEETING  
OCTOBER 18, 2016**

**ATTENDANCE:** Eloisa Melendez, Chair; Douglas Hempstead, Thomas Livingston, Michael Corsello

**STAFF:** Atty. Brian McCann, Corporation Counsel's Office.

**OTHERS:** Judith Bacal, Becky Christopherson, Dorothy Mobilia, Karen Spenser, Melissa Slatter; Vincent Penna, A.J. Penna and Sons; Robert Barron, Finance Director; Chris Torres, DPW

**CALL TO ORDER**

Ms. Melendez called the meeting to order at 7:04 p.m. She called the roll. A quorum was present.

**PUBLIC HEARING  
(Possible action on:)**

**Arts Commission**

Ms. Judith Bacal, a Maritime Aquarium employee came forward and stated her support for the creation of an Arts Committee as an official, permanent Commission. She spoke about the various artistic assets that Norwalk has along with the Historical Society. It will be important to preserve these for the future. She submitted an article about Arts and Culture to Ms. Melendez.

Ms. Becky Christopherson, a founding member and former chair of the Norwalk Arts Commission, came forward. She thanked the Committee for this opportunity to become a permanent Commission. When the Arts Committee was started, it was created as an "Advisory Commission". This gave the group the flexibility to grow and function. Now, the group knows their function and priorities as being stewards of the public art and providing the connection between the arts and the community.

Ms. Christopherson said that she was speaking on behalf of several members who were not able to attend the meeting, including Ms. Wallerstein. While the ordinance was well-crafted, the Arts Committee had four suggestions to improve it:

- The political affiliation clause should be removed. The Commission feels that the arts should not become politically charged. The mere act of asking for political affiliation could do this.
- Adding a diversity of membership on several levels. Ms. Christopherson said

that they would like to suggest the following wording: "That the nine members should reflect the City's diversity, different art disciplines, the creative economy as well as arts advocates and patrons."

- The Commission would like to discuss the two Common Council member requirement. With a the total of nine members, Ms. Christopherson pointed out that obtaining a quorum could be difficult. She proposed that the Common Council members be non-voting member, so they would not detract from the quorum. She also suggested that the Council Members receive the minutes and be able to participate in the meetings.
- Finally, the Commission would like to add "The purpose of this Commission is also to connect the arts to the community and the City." To the purpose statement in the ordinance.

Ms. Dorothy Mobilia came forward and said that she was a friend of the Arts Commission. She said she was invited by Ms. Wallerstein to attend the meetings as a non-voting member. Having worked on Commissions in the past, this Commission is super-charged and has a can do attitude. The group is very productive. She added that making it an official commission would allow the group to apply for various funds that they can not do now.

Ms. Karen Spencer came forward and said that she was a former member of the Arts Commission and the Zoning Commission. She said that she had submitted letters to various members of the Ordinance Committee. Ms. Spencer said that the political identification should be eliminated. With the growth in the City, the arts will be a key factor.

Ms. Melissa Slattery came forward and said that she was the curator of the Mayor's Gallery. Her association with the group involved with showing the WPA murals to the visitors. She also said that she has conducted art workshops with students from High Roads School in Room 231. Ms. Slattery said that if the Commission became official, it would allow the Commission to apply for funding.

Ms. Melendez asked if there was anyone else present who wished to speak on behalf of the Arts Commission. No one came forward. She repeated the question. Hearing none, Ms. Melendez closed the public hearing on the Arts Commission at 7:17 p.m.

### PUBLIC HEARING DISCUSSION

Mr. Hempstead asked if the current commission had minutes taken and the meetings were advertised. Ms. Christopherson said that minutes were taken and the notice of the meetings were advertised. She added that everyone on the Arts Commission has some type of specialization in the arts and was not sure that it would be appropriate for the

Council Members to be voting members. Ms. Christopherson said that the group has helped with the development for the placing public art.

Mr. Hempstead then asked for clarification regarding their concern about obtaining a quorum when having two Council members on the Board. Ms. Christopherson said that there was a rhythm to their meetings and also recognized that the Council Members were extremely busy. She went on to explain that everyone that was on the Arts Commission was highly specialized within some field of the arts, either as a patron, advocate or as an artist. She did not know how many artists serve on the Council and was not sure that it would be appropriate to have requirement to have two Council members be voting members and part of the quorum.

Ms. Melendez asked if the Commission would be fine with having two Council Members as non-voting members and not counted as part of the quorum. Ms. Christopherson said that this was correct. One of the things that the Commission has accomplished is something similar to a public arts policy. She explained that until recently, people could come and place sculptures in the City where they wanted to. Sometimes some people would be aware of it, however there was no plan to maintain the sculpture. It could also be removed at the owners whim. By becoming part of that process, people who are qualified to evaluate public art and the placement of it would have the ability to decide where sculptures were going to go and how long they would be there. As far as Council Members are interested in participating, and want to be part of the organization, the Arts Commission would welcome that.

Mr. Corsello asked if the Commission members would be required to have a specialized skill in the arts. Ms. Christopherson said that the language that had proposed, the Commission was seeking diversity in the membership. They want people who are artists, but also those who are arts advocates or arts patrons. However, even with that broad of a definition, it is still a fairly small group of people.

Mr. Corsello pointed out that their mission went beyond just evaluating art and involved many other aspects. Ms. Christopherson said the group wants to build a connection between the people who produce art and the people who enjoy art on all levels. But there is a particular focus on being stewards of the art of the City. She then asked what the Ordinance Committee saw as the role of the Common Council members on the Arts Commission if they were voting members and contributed to making a quorum. She said that she didn't understand why this was necessary.

Mr. Corsello pointed out that he did not think that candidates that might be appointed to the Art Commission in general would necessarily need to have an arts background. There could be valuable art pieces on loan to the City and that might require legal input or have financial implications. Ms. Christopherson said that in the past, the Corporation Counsel's office helped the Commission craft the public arts policy. Discussion followed about the residents who might have an appreciation of the arts and are concerned about

the City maintaining its art collection. Ms. Christopherson said that the Commission had not discussed that aspect, so she would prefer not to answer.

Mr. Livingston said that while he fully supported the proposals, he was troubled by Ms. Christopherson's statements. He asked how members were currently being appointed. Ms. Christopherson said that the new members were appointed by the Mayor. She outlined the process.

Mr. Livingston asked if it was the Commission's expectation that everyone currently on the Commission would be part of the new commission. Ms. Christopherson said that she believed there was language in the ordinance about this and thought there was a general expectation that the Commission members would remain the same. It was pointed out that there was no reference to this issue in the ordinance.

Mr. Livingston said that he understood that the Arts Commission was concerned about having two members of the Council take up two seats on the voting board. He asked if it would help if the Commission was enlarged. Ms. Christopherson said she would take that back to the Arts Commission for their consideration. She said that she thought there was a sense that the Commission did not want to be dependent on Common Council members in order to be able to conduct their business. Discussion followed.

Ms. O'Toole-Giandurco said that it was her understanding that the goal was to expand the Arts and to apply for grants. She pointed out that having someone from a financial background would be beneficial. She also asked who would be overseeing the administration of grant funding. Ms. Christopherson said that they had not considered or discussed the possibility of having other professionals involved in Commission. The current goal of the organization was to establish a permanent Arts Commission, so that they would not be serving at the pleasure of the Mayor or disbanded. Ms. Christopherson then went on to speak about the history of previous arts groups and said that the Commission still had to discuss the details of the Commission's functioning, such as handling the finances. She added that one of the first things that the Arts Commission would do after they achieved permanent status was to address the financial issue. Having a permanent status would allow the group to hire a part time consultant to assist the Commission. She spoke about the people who have been hired to create the application for the Commission and also the person that was hired as a part time curator for the Mayor's Gallery.

Mr. Kimmel said that he knew Ms. Wallerstein for many years. He asked Ms. Christopherson if she considered Ms. Wallerstein an artist. Ms. Christopherson replied that in her view, Ms. Wallerstein was an arts advocate and an arts patron. Mr. Kimmel that this was good because it reflected the kind of diversity that the Arts Commission was looking for. Mr. Kimmel went on to speak about building bridges between the community and the artists. He pointed out that the bridges have not been built between

the community and the musicians. Having some non-artistic members would do wonders for the group.

Regarding Council membership can become complicated. Mr. Kimmel said that Mr. Livingston was the Council Member on the Historical Commission. The Historical Commission is dependent on the City for financial funding. Mr. Livingston knows what is going on and can then give the other Council Members his perspective of what is happening with the various projects. Discussion followed.

Mr. Hempstead asked how many people were on the board now. Ms. Christopherson said that there were 11 members currently, along with 25 friends who regularly attend the meetings. One of those who regularly attend is Ms. Katherine Hebert, who is there to assist the Commission by providing information about the City policies and procedures. Ms. Christopherson said that both 7 and 11 had been strike outs. She said that while the Board would like to have 11 members, they had suggested 9. The discussion then moved to the number of members that would be on the Board, the definition of diversity and cultural backgrounds. Ms. Christopherson said that she thought those who were involved with the Arts Commission was a fairly diverse group.

Mr. Hempstead pointed out that having Council Members on the Commission was important because they were utilizing public property and funding. The Council Members are elected to represent the residents of Norwalk. Mr. Hempstead pointed out that there was no politics going on at this point and added that the Council Members had not received the information packets until recently. Once the Commission is created, the Council wants the group to flourish and avoid situations caused by "I didn't think about that". He said that 11 members would address the issue that the Arts Commission was concerned about.

Mr. Hempstead said that the issue about the political parties was put there for protection. It is supposed to protect minority views and make sure that the Commission doesn't end up with everyone having one viewpoint. Discussion followed.

Mr. Kimmel pointed out that throughout history many of the great artists created political works. He was concerned that there was an assumption that an artist that identified with a political party was some how less of an artist. Ms. Christopherson said that was not the Commission's concern, but that the group was concerned about the ratio that was specified in the ordinance. Mr. Livingston said that it just addressed the majority party. Ms. Christopherson replied that political diversity was at the bottom of their list. She said that it might jeopardize their ability to build the more important diversities. She asked that if there was some kind of political requirement, it be kept as broad as possible. It could jeopardize the other diversities and the kind of work that they were trying to do.

Mr. Corsello then spoke about the draft policy document and the references to an Ad Hoc Review Committee and the Department of Cultural Affairs. He asked for clarification on

those two items since they do not presently exist. Ms. Christopherson said that it was an example of the kind of policy that could be put together after the Commission is formalized and show where the Arts Commission would like to go, along with the kind of supporting documents that could be produced. She stressed that it was a draft document.

Ms. Mobilia said that when the discussion touched on diversity, the direction the Committee was headed into was different than what the State means when it talks about art in public places. There are a number of public places such as City Hall, the Lockwood Mathews Mansion and other locations where public art can be displayed. Ms. Mobilia then read a brief statement about The State of Connecticut's Arts in Public Program and how it adds value to the State and its residents. It is important to move the arts from nice to necessary. The group engaged a firm to help guide their discussions and the use of a design thinking to the process. The five year program is asking for a determination of the importance of the arts in the State and how the arts should be moved from nice to necessary. These questions are ones that will filter down to the Commission. With Norwalk's wonderful history, through art, there can be a strong expression of who Norwalk is. The Commission will be looking to implement some of these goals, especially since funding will be available. Ms. Mobilia said that those were her thoughts on diversity.

It was pointed out that a great deal of the discussion centered on the visual arts and the Arts Commission representatives asked about the other arts, such as music. Ms. Christopherson said that the purpose stated in the ordinance was to enhance the City of Norwalk's cultural assets. She said that the City did not have any musical assets. This was part of the goal for the Commission. Ms. Christopherson pointed out that the written word was being promoted by ms. Bradley at the library, along with musical events featuring Mr. Jim Clark. Ms. Christopherson said that she would hate to see the Commission formalization process be delayed for a long time while the details were being hammered out.

Ms. O'Toole-Giandurco said that at the last meeting, Ms. Wallerstein had been present at the last meeting but was not present at this meeting. She said that many of the questions that were being asked had been discussed last meeting. Ms. O'Toole Giandurco said that she would like to see this tabled so that Council Members could consider this. The Council does not add Boards and Commissions frequently. Ms. Christopherson said that the Commission would like to keep the Commission goal as broad and inclusive as possible because so many things change so quickly.

Mr. Kimmel said that he would like to point out that the Arts Commission's bylaws would become effective once the Arts Committee was approved by the Council. He asked the Ordinance Committee members if they were comfortable with the bylaws. The general consensus was that the Ordinance Committee members were comfortable with this. Discussion followed.

Mr. Hempstead said that he would like to see a few versions of the item presented. He suggested that the Board being made up with 11 members with 2 Council Members. Mr. Hempstead had some suggestions for changes. Discussion followed about whether an Executive Director would be a City employee. Atty. McCann pointed out that the Executive Director would be technical expertise that was hired for the Arts Commission.

Mr. Hempstead also had some questions about the artistic assets owned by the City and whether there was an inventory list of the artistic assets.

**\*\* MS. MELENDEZ MOVED TO TABLE THE ITEM TO THE NEXT MEETING IN NOVEMBER.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Mr. Kimmel said that he would encourage the Ordinance Committee to consider whether or not they needed more than five people on the Art Commission Board.

### PUBLIC COMMENT

Mr. Vincent Penna, of A. J. Penna and Sons, came forward to state that he was in favor of hiring police officers for construction projects. As a contractor, Mr. Penna said that he felt that the officers were more efficient and make the workers feel safer. He recounted an incident where a vehicle came through the traffic cone area and struck one of his workers. If not for the police officer being there, the worker would not have survived. He said that as a contractor, he felt that everyone would be better off. There have been times when he hired flaggers and it was a crap shoot as to whether or not the flagger would show up. The police are almost always available and for the few jobs that they aren't able to

Mr. Corsello said that he did not see this item on the published agenda. He wondered if that was appropriate. Mr. Corsello said that the words "Extra Police Work" had not been included on the website. Ms. Melendez said that it was not included on the agenda until this afternoon. Mr. Corsello said that there may be others who would want to give input. She said that they would have a discussion, but would not vote on the Extra Police work and it would have to be on agenda again.

### ACCEPTANCE OF MINUTES

**September 20, 2016**

**\*\* MR. LIVINGSTON MOVED THE MINUTES OF SEPTEMBER 20, 2016.**

**\*\* THE MOTION TO APPROVE THE MINUTES OF SEPTEMBER 20, 2016 AS SUBMITTED PASSED UNANIMOUSLY.**

### OLD BUSINESS

City of Norwalk  
Ordinance Committee  
Regular Meeting  
October 18, 2016



(Possible Action on:)

**Extra Police Work**

Ms. Melendez said that there had been a great deal of discussion about this item relating to the costs.

Mr. Livingston said that there were three costs: the cost of the police; the cost to the City and finally the additional costs to residents that are having work done in front of their homes.

Mr. Corsello said that there had been a series of emails that had been sent out which he had not received. Mr. Barron discovered that the email address for Mr. Corsello listed on the documents was incorrect.

Mr. Barron said that he was trying to identify the costs and the return. He said that there was a cost to the City because the officers use police cars, wear city uniforms and this results in the costs. He then gave an overview of the figures on a document showing charges and revenue.

Mr. Kimmel had several questions about the 15% surcharge, which Mr. Barron answered. Mr. Barron asked if there were jobs that DPW does that do not require an officer on site. He pointed out that if when DPW does a job with the expanded definition would cost the City because it would come out of the City budget. When the surcharge is applied to DPW jobs, it costs the City. By exempting DPW, the budget costs will be reduced.

Atty. McCann said that he did not see this creating additional jobs but pointed out that currently, DPW is not required to have officers on site. He reminded everyone that the City could not put in language excluding City projects. The entire Ordinance Chapter 96 is contingent upon the need to have a road opening permit.

Mr. Torres pointed out that when they work on bridges or do road paving, they do not need to have a road opening permit. He added that they were not against the the idea, but just wanted people to realize that there would be a cost to the City. When the DPW road job happens, a certified DPW employee acts as a flagman. if it is a paving contractor or bridge contractor, the contractor hires the flag man. Discussion followed.

Mr. Hempstead pointed out that there was also the issue of road encroachment when a sewer line or a water line have to be replaced.

One of the police officers said that there had never any pressure from the Police Department on DPW to have police officers at job sites. Mr. Livingston said that he would not be comfortable voting on this without knowing the costs.

Mr. Hempstead asked Mr. Barron if the total numbers on the document included just the road work or festivals and other events. Mr. Barron said that it included the festivals. Discussion followed about the details of the flaggers and the actual cost for the City.

Mr. Kimmel said that he would like to come back next month with something that meets the concerns about the costs. He asked DPW and Police to try and work things out. Having the information prior to the meeting will also be important.

**NEW BUSINESS**  
**(Possible Action on:)**

There were no additional items to consider at this time.

**ADJOURNMENT**

**\*\* MR. LIVINGSTON MOVED TO ADJOURN.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

S. L. Soltes  
Telesco Secretarial Services

## Arts Commission

Establishment; membership; appointment; terms of office.

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There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of ~~eleven~~ ~~seven~~ eleven members, ~~not more than four~~ ~~seven~~ of whom shall be registered members of the same political party, who shall be appointed by the Mayor, with the consent of the Common Council. ~~In addition to the 7-11 members of the Commission, The Commission shall include there shall be two ad hoc members of the Commission from the Common Council, one member from each political party, which ad hoc members shall have the right to vote but shall not be counted in determining a quorum of the Commission.~~ The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall exist which shall be filled by the Mayor with the consent of the Common Council. Members of the Commission shall serve for a term of three years commencing July 1 of the year of appointment. Each vacancy shall be forthwith filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Officers and executive director.

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At its first meeting subsequent to July 1 of each year, the Commission shall elect a Chairman, Vice Chairman and a Secretary. The Commission may appoint or hire an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission, work not more than 19 hours per week, and have such duties and receive such compensation as shall be fixed by the ~~Authority~~ Commission.

Purposes and duties.

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The purpose of the Commission shall be to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission's bylaws, rules and regulations shall become effective upon approval by the Common Council. ~~The Commission shall prepare a monthly arts calendar and make a semiannual report to the Mayor and the Common Council.~~

## Chapter 96. Excavations and Encroachments in Public Streets and Grounds

### 96-2. Permit required; exception.

B. This section shall not apply to Department of Public Works daily operations and maintenance of public streets and sidewalks; city funded capital improvement projects involving public streets and sidewalks; the short-term use of a ladder for the immediate purpose of window washing or for immediate inconsequential repair or use for a time not to exceed one hour; the depositing of merchandise or other goods outside of the traveled way preparatory to delivery, for a time not to exceed one hour; or the use of appropriate barriers and warning devices by a public utility company or taxing district performing emergency work not involving an excavation; provided, however, that any such activity shall be performed in a manner providing for the safety and least convenience to the public, and provided that no sidewalk is thereby reduced to less than ½ of its usable width.

### § 96-14. Protective measures.

#### *Current Version*

##### F.

When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. If such conditions exist at the close of the working day, a watchman and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night. The work shall be planned to avoid such conditions whenever possible.

#### *Proposed Version*

##### F.

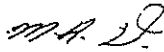
When portions of the traveled way are made hazardous for the movement of vehicles or pedestrians, a sufficient number of traffic control persons shall be employed by the permittee to direct traffic safely through the area. The Director, in coordination with the Police Chief, shall approve the traffic control plan and together shall determine the appropriate number of traffic control persons or Norwalk Police Officers, where necessary, to ensure the public's safety, however, when the roadway(s) affected are classified as: 1) City Collector; 2) City Minor

Arterial; 3) City Major Arterial; 4) State Roadway; and/or 5) State Limited Access Highway, as listed on the Road Classification Map on file in the Public Works Department, or when the roadway(s) are immediately surrounding a school, hospital, or fire department, the Director shall first provide Norwalk Police Officers with the opportunity to direct traffic safely through the area. If the police department determines that no police officers are necessary or is unable to provide sufficient police officers, the Director shall, in the alternative, determine the appropriate number of traffic control persons necessary to ensure the public's safety. If such conditions exist at the close of the working day, a watchman Police Officer(s) and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night per the direction of the Director. The work shall be planned to avoid such conditions whenever possible.

# NORWALK

## DEPARTMENT OF POLICE SERVICE

To: Andrea  
A.J. Penna  
46 Indian Hill Rd.  
Westport, CT 06880

From: Michael A. Docimo   
Administrative Manager  
Norwalk Police Department

Re: Fee increases for Extra Duty Work

Date: October 28, 2016

Please be advised that effective July 01, 2015 in accordance with the ratification of the Norwalk Police Union Local 1727 Contract by the Common Council, the rate for Extra Duty Work will increase two percent which will make the Extra Work Rate \$61.01. The Administrative Fee will remain fifteen percent.

If you have any questions, please do not hesitate to call me at (203) 854-3020

## McCann, Brian

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**From:** Yeosock, Mike  
**Sent:** Wednesday, October 26, 2016 4:04 PM  
**To:** McCann, Brian  
**Cc:** Barron, Robert; Chimento, Bruce J.  
**Subject:** RE: Chapter 96 /Extra Police Work  
**Attachments:** capital cost estimate for police.docx

Brian,

Attached is copy of what I prepared as a probable cost impact for capital projects. It may err on the high side because on most State funded grant projects and some City projects we use police anyway. If we are able to legally exempt the City from the 15% surcharge, the difference between the cost of flagmen and police probably wouldn't be a very big number, maybe \$50k.

Mike

Michael M. Yeosock, PE, DWre, GISP, EnvSP, STP  
Assistant Principal Engineer  
Norwalk, CT Department of Public Works  
125 East Avenue  
Norwalk, CT 06851  
203-854-7844  
myeosock@norwalkct.org

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**From:** McCann, Brian  
**Sent:** Wednesday, October 26, 2016 2:21 PM  
**To:** Barron, Robert  
**Cc:** Yeosock, Mike  
**Subject:** RE: Chapter 96 /Extra Police Work

Thanks Bob. Mike-Is this something that you can do? Or even estimate? I personally think that a rough estimate is fine, especially since this is going to change year to year. The council just needs to know roughly if they are going to be approving a \$200k increase in budget or over \$500k...something like that.

Regards,  
Brian

Brian L. McCann, Esq.  
Assistant Corporation Counsel  
City of Norwalk  
125 East Avenue  
Norwalk, CT 06851  
Phone: (203) 854-7750  
Fax: (203) 854-7901

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**From:** Barron, Robert  
**Sent:** Wednesday, October 26, 2016 2:11 PM

**To:** McCann, Brian  
**Cc:** Yeosock, Mike  
**Subject:** RE: Chapter 96 /Extra Police Work

Brian, DPW will have to give me the operational impact, i.e. hours and then I can price. I have no idea the split between capital and operational project hours.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** McCann, Brian  
**Sent:** Wednesday, October 26, 2016 12:22 PM Eastern Standard Time  
**To:** Barron, Robert  
**Cc:** Yeosock, Mike  
**Subject:** FW: Chapter 96 /Extra Police Work

I don't remember the easy fix. Anyhow, if this were ONLY to impact capital projects and not operations, can you estimate what it would cost the City?

Regards,  
Brian

Brian L. McCann, Esq.  
Assistant Corporation Counsel  
City of Norwalk  
125 East Avenue  
Norwalk, CT 06851  
Phone: (203) 854-7750  
Fax: (203) 854-7901

**From:** Bruce Kimmel [<mailto:brucekim@optonline.net>]  
**Sent:** Monday, October 24, 2016 1:45 PM  
**To:** McCann, Brian; Hempstead, Doug; Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Corsello, Michael; Simms, Travis; Rilling, Harry; Kulhawik, Thomas; Orr, David  
**Cc:** Yeosock, Mike; Burns, Lisa; Torre, Chris; Kulhawik, Thomas; Orr, David; Rilling, Harry  
**Subject:** RE: Chapter 96 /Extra Police Work

I thought we adressed that issue, with Barron, and decided it was an easy fix. Bruce

Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "McCann, Brian" <[BMcCann@norwalkct.org](mailto:BMcCann@norwalkct.org)>  
Date: 10/24/16 10:27 AM (GMT-06:00)  
To: "Kimmel, Bruce I." <[brucekim@optonline.net](mailto:brucekim@optonline.net)>, "Hempstead, Doug" <[dhempstead@hotmail.com](mailto:dhempstead@hotmail.com)>, "Livingston,



Thomas P." <[tplivingston@norwalkct.org](mailto:tplivingston@norwalkct.org)>, "Giandurco, Shannon O'Toole" <[otoole.shannon10@gmail.com](mailto:otoole.shannon10@gmail.com)>, "Melendez, EloisaM" <[eloisa.melendez@hotmail.com](mailto:eloisa.melendez@hotmail.com)>, "Corsello, Michael" <[mrcorsello@norwalkct.org](mailto:mrcorsello@norwalkct.org)>, "Simms, Travis" <[TravisSimms@norwalkct.org](mailto:TravisSimms@norwalkct.org)>  
Cc: "Yeosock, Mike" <[MYEOSOCK@norwalkct.org](mailto:MYEOSOCK@norwalkct.org)>, "Burns, Lisa" <[LBurns@Norwalkct.org](mailto:LBurns@Norwalkct.org)>, "Torre, Chris" <[CTorre@norwalkct.org](mailto:CTorre@norwalkct.org)>, "Kulhawik, Thomas" <[TKulhawik@norwalkct.org](mailto:TKulhawik@norwalkct.org)>, "Orr, David" <[DOrr@norwalkct.org](mailto:DOrr@norwalkct.org)>, "Rilling, Harry" <[hrilling@norwalkct.org](mailto:hrilling@norwalkct.org)>  
Subject: RE: Chapter 96 /Extra Police Work

Ok. Understood. Then this goes back to the issue raised by Mike Yeosock – it would possibly cost the City \$500,000.  
Correct, Mike?

Brian L. McCann, Esq.  
Assistant Corporation Counsel  
City of Norwalk  
125 East Avenue  
Norwalk, CT 06851  
Phone: (203) 854-7750  
Fax: (203) 854-7901

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**From:** Bruce Kimmel [<mailto:brucekim@optonline.net>]  
**Sent:** Monday, October 24, 2016 10:51 AM  
**To:** McCann, Brian; Hempstead, Doug; Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Corsello, Michael; Simms, Travis  
**Cc:** Yeosock, Mike; Burns, Lisa; Torre, Chris; Kulhawik, Thomas; Orr, David; Rilling, Harry  
**Subject:** RE: Chapter 96 /Extra Police Work

Brian, thank you. It's better. My main concern is the exception including city funded capital improvement projects. To me, this puts us back to square one: standard road paving projects could be continued to be flagged by non-uniformed folks. I've seen too many examples of speeding through these sites and strongly believe that the presence of a police car will automatically create a safer situation. My concern has been safety and I would prefer to have the Police Chief involved in all decisions regarding how these streets are flagged during major repair. Bruce

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**From:** McCann, Brian [<mailto:BMcCann@norwalkct.org>]  
**Sent:** Monday, October 24, 2016 9:36 AM  
**To:** Kimmel, Bruce I.; Hempstead, Doug; Livingston, Thomas P.; Giandurco, Shannon O'Toole; Melendez, EloisaM; Corsello, Michael; Simms, Travis  
**Cc:** Yeosock, Mike; Burns, Lisa; Torre, Chris; Kulhawik, Thomas; Orr, David  
**Subject:** RE: Chapter 96 /Extra Police Work

Bruce,

This might be a little cleaner...

Thanks

# ORDINANCE IMPACT ON DPW CAPITAL PROJECTS

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State wide, according to CT DOT 2016 weighted item estimating guide, the cost of police officers is about \$20 more per hour than certified flaggers, \$75/hour for police officers compared to \$55/hour for certified flagmen (see attachment). This is comparable to what we find in our bids and the justification for the numbers used below.

Below is a sample of typical projects that the Department has undertaken in the last 5 years and the number of hours for police traffic control required on these projects. The hours for police traffic controlled ranged from about 600 hours to 2500 hours for a mean average of 1255 hours, equating to an average additional \$25,100 in cost per project. Projects selected above range from typical sidewalk projects to road paving to traffic signals. At a typical average of 9 construction projects per year, this could amount to an increase in our annual construction project costs of around \$225,000.

102-351 West Avenue Crosswalks – 1097 hours @ \$20/hr	\$21,940.00
102-335 ARRA –MLK Paving – 586 hours @ \$20/hr	\$11,720.00
102-337 Traffic Signal Upgrade – Phase 1 – 2468 hours @ \$20/hr	\$49,360.00
102-329 Strawberry Hill Avenue - 650 hours @ \$20/hr	\$13,000.00
102-341 Ponus Avenue – 638 hours @ \$20/hr	\$12,760.00
102-326 Traffic Signal Upgrade – Phase II – 1450 hours @ \$20/hr	\$29,000.00
102-334 West Avenue Traffic Signal Upgrade – 1900 hours @ \$20/hr	\$38,000.00

This analysis doesn't address the impact to either DPW's Highway or the WPCA's operating costs as that analysis was undertaken separately.

## 2015 Projects

- Road Paving (2 contracts)
- General Drainage
- Curbs & Sidewalks
- Cracksealing
- Permanent Patch
- Monroe Street
- MLK Staircase
- Beacon Street Interceptor

## 2016 Projects

- Road Paving (2 contracts)
- General Drainage
- Curbs & Sidewalks
- Cracksealing
- Permanent Patch
- West Avenue Crosswalks/Street Light Replacement
- Perry Avenue Bridge
- Fodor Farm Drainage Improvements

## Anticipated 2017 Projects

- Road Paving (2 contracts)
- General Drainage
- Curbs & Sidewalks
- Cracksealing
- Permanent Patch
- Washington Street
- Roton SRTS
- Traffic Signal Upgrade
- Perry Avenue Bridge

City of Norwalk, CT  
Tuesday, November 8, 2016

## Chapter 73A. Parking Authority

[HISTORY: Adopted by the Common Council of the City of Norwalk 2-26-2002. Amendments noted where applicable.]

### § 73A-1. Creation; powers and duties.

There is hereby created, in accordance with the provisions of Chapter 100, Sections 7-202 to 7-212a of the Connecticut General Statutes, as amended (the "Chapter"), an authority known as the "Norwalk Parking Authority." The Norwalk Parking Authority (the "Authority") shall have all the powers and perform all the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the Chapter, as it shall be amended from time to time, subject to the provisions of this ordinance.

### § 73A-2. Responsibility for parking facilities.

- A. The Authority shall have all of the powers and perform all of the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the chapter with respect to all City parking facilities. For purposes of this chapter, "City parking facilities" shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to the general public with or without charge, and off-street and on-street parking meters owned by the City wherever located, including, without limitation, parking facilities and parking meters constructed subsequent to the effective date of this chapter, additions to or replacements of existing parking facilities and parking meters and parking facilities and parking meters within mixed-use facilities, including the property comprising the South Norwalk, East Norwalk and the Merritt 7 Railroad Stations and their related parking facilities, subject to relevant agreements with the State of Connecticut. The areas included within the definition of this term are all buildings and improvements and all means of ingress and egress used to access and travel about within the railroad station facilities. Excluded from this definition is the property comprising the Rowayton Rail Station which is subject to an agreement with the State of Connecticut and any property now or hereafter located within the Waypointe Special Services District, unless otherwise provided for by a separate agreement by and between the City and the Parking Authority.

[Amended 1-13-2004; 3-24-2009]

- B. The Authority is hereby granted all net revenues earned from City parking facilities on and after July 1, 2002, including, but not limited to, revenues from the lease, license or other use of any portion of City parking facilities directly related to the parking of motor vehicles, revenues from parking meters and parking permits collected on or after July 1, 2002, and revenues from parking fines and penalties levied on or after July 1, 2002, plus any interest thereon. Excluded from this provision are all revenues (including net revenue) generated from any parking facilities, parking meters and parking pay stations owned by the City located within the Waypointe Special Services District. For purposes of this chapter, "net revenues" shall mean revenues less any and all related

expenses incurred in generating such revenues, including, but not limited to, contractual and other obligations of the City charged to the Authority, such as the cost of collecting and enforcing parking fines and penalties and an allocable share of expenses of City departments and City personnel providing services to the Authority. Net revenues shall be used by the Authority for any of its corporate purposes pursuant to the chapter, including, but not limited to, the acquisition, construction, expansion, improvement and equipping of City parking facilities, the operation and maintenance of City parking facilities, the establishment of capital and operating reserves and the payment of debt services on bonds issued by the City or the Authority pursuant to the provisions of the chapter.

[Amended 11-12-2002; 3-24-2009]

- C. The Authority shall assume all existing obligations of the City in connection with City parking facilities as of July 1, 2002, and any obligations which accrue on or after July 1, 2002, which arise from City parking facilities. Nothing contained in this chapter shall be deemed to transfer any existing fee ownership interest of the City in any City parking facility, including the underlying land, air rights above or any easements through City parking facilities, to the Authority, and provided further, that control over parking meters within the City, including, but not limited to, the type, location, number and servicing thereof, shall be subject to the approval of the traffic authority of the City.

[Amended 11-12-2002]

### § 73A-3. Members; terms, vacancies; residency.

- A. The Authority shall consist of five members to be appointed by the Mayor and confirmed by the Common Council, not more than three of whom shall be of the same political party.
- B. Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. The Mayor and the Director of the Department of Public Works, or their designee, shall serve as ex officio, nonvoting members of the Authority.
- C. No person shall be appointed or reappointed to the Authority unless a resident of the City.

### § 73A-4. Compensation of members.

The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses.

### § 73A-5. Organization; officers and employees.

- A. The Authority shall organize and operate in conformity with the provisions of Section 7-203 of the chapter.
- B. The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also employ an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation and benefits as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes of the Authority.
- C.

The Authority or its Executive Director, as directed by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purpose of the Authority. The selection, appointment, assignment of duties, compensation, benefits, termination, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority. The Executive Director and other employees of the Authority shall not be considered employees of the City.

- D. The Authority or its Executive Director as directed by the Authority, shall have the sole right to select, direct and control such technical consultants, accountants, parking operators and other contractors as it deems necessary to carry out the purpose of the Authority. The selection, scope of services, compensation, termination and other terms and conditions of such contacts shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.
- E. The Authority or its Executive Director, as directed by the Authority, may enter into agreements with the City to provide the Authority with various services to support the Authority.  
[Amended 11-12-2002]

### § 73A-6. Annual budget and reports.

- A. On or before November 15th of each year, the Executive Director of the Authority shall submit to the Authority a recommended annual budget for the Authority for the next succeeding fiscal year commencing July 1st and ending June 30th. The Authority shall adopt a proposed budget on or before December 15th of each year and submit the proposed budget to the Director of Finance on or before December 31st of each year, or on or before such other dates as departments of the City shall be required to submit budgets. The Authority's budget shall be submitted to the Board of Estimate and Taxation and the Common Council for consideration and adoption in the manner and on the same schedule as departments of the City.  
[Amended 11-12-2002]
- B. The Authority shall contract for an annual independent audit and shall submit a copy thereof to the Mayor, the Board of Estimate and Taxation and the Common Council on or before the date of submission of the City's audit for the same period.

### § 73A-7. Meetings.

- A. The Authority shall annually adopt a schedule of its regular meetings and file that schedule with the City Clerk. The Authority may hold special meetings on the call of the Chairman or any two members upon giving notice thereof to all members of the Authority at least 24 hours in advance of such meeting.
- B. All meetings of the Authority shall be held in compliance with the applicable provisions of the Connecticut Freedom of Information Act, as amended.  
[Amended 11-12-2002]

### § 73A-8. Term of Authority.

The Authority shall continue to exist until abolished by subsequent ordinance of the Common Council, which shall not be earlier than the repayment of all obligations of the Authority, including without

limitation, the retirement of all outstanding indebtedness of the Authority, or the assumption of such obligations by the City.

## § 73A-9. When effective.

This chapter shall take effect upon its adoption by the Common Council.

**§ 67A-1 Indemnification.**  
[Amended 7-9-2002]

The City of Norwalk shall protect and save harmless and shall defend any lawsuit or administrative proceeding instituted against a director, commissioner or representative appointed or confirmed by the City of Norwalk of the Maritime Center Authority, the Transit District, the Oak Hills Park Authority, the Housing Authority, the Redevelopment Agency, the Norwalk Harbor Management Commission, the Norwalk-Wilton Convention and Visitors Commission and District, the Southwestern Regional Planning Agency, the Interlocal for the Connecticut Resource Recovery Authority, the Housing Sites Development Agency, the Norwalk Parking Authority, the Norwalk Water Pollution Control Authority or any other such agency which is not normally insured by the City of Norwalk and which the Mayor designates to be insured by the City of Norwalk for damages awarded for infringement of any person's civil rights or physical damage to person or property or breach of contractual obligations or claim arising out of the performance of the person's duties in an action brought against said director, commissioner or representative for acts or omissions occurring in the performance of governmental functions or while, acting within the scope of the person's duties. The City shall be liable for the acts or omissions occurring in the performance of governmental functions or duties of a director, Commissioner or representative so long as the person acts in good faith in the exercise of honest judgment and not maliciously, wantonly or in abuse of discretion.