

COMMON COUNCIL MINUTES FEBRUARY 24, 2015
NORWALK, CONNECTICUT 7:30 P.M. EST. COUNCIL CHAMBERS

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

CALL TO ORDER.

Mayor Rilling called the meeting to order at 8:02 p.m.

ROLL CALL.

Ms. King then called the roll.

Council at Large:	Mr. Richard Bonenfant	Mr. Douglas Hempstead
	Mr. Glenn Iannaccone	Mr. Bruce Kimmel
	Ms. Sharon Stewart	
District A:	Ms. Eloisa Melendez	Mr. David Watts
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms
District C:	Mr. John Kydes	Ms. Michelle Maggio
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Jerry Petrini
District E:	Mr. David McCarthy	Mr. John Ignieri

There were fifteen Council members present. A quorum was present.

ACCEPTANCE OF THE MINUTES.

Regular Meeting – February 10, 2015.

**** MR. MCCARTHY MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 10, 2015 MINUTES AS SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION.

Mr. George Cross came forward to speak in favor of the Concussion Guidelines for Youth Athletics. The added safety will be good for the sports teams. He said that the course was easy to completed. He urged the Council to approve the measure.

Ms. Katherine Snedecker came forward and said she lived in Norwalk for 22 yrs. She listed her professional qualification and said serves on the national council concerned with sports concussions. Much of her time is focused on this on a national level. However she has spent time playing sports in Norwalk and related several stories about both herself and her children participating in Norwalk athletics. Ms. Snedecker said that

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the first law dealing with concussions was passed in 2010. Previously high school athletes were covered, but that ruling does not cover 6000 middle school students. She went on to speak about how the coaches can lose their licenses if they don't comply on the high school level and asked why there were standards for a 9th grader on a school field but not for an 8th grader on a town field. Lawsuits are now underway. Ms. Snedecker then listed the number of countries around the world that are protecting their children from concussions. The training for the coaches can be done easily and it protects the children.

Mayor Rilling asked if Ms. Snedecker had testified in Hartford. She said she had. Mayor Rilling said that after her comments, the legislature felt that Norwalk was taking the lead on this issue.

Ms. Lily Blackwell, a BMHS student athlete, who suffered a concussion in 8th grade came forward to speak. She had a second concussion on a later school trip and each concussion recovery lasted longer. Now she has ADD from it.

Mr. Jack Snedecker came forward and said that in this day and age, there was not reason why they should not be protecting children from concussions. A promising athlete who has a concussion that is not properly treated can lose whole seasons. The training course takes 30 minutes. He then spoke about the importance of treating the athletes and thanked the Council for listening.

MAYOR'S COMMENTS.

Mayor Rilling announced that tomorrow night there would be a Mayor's Night Out in the Community Room with the Council Members and Department heads. These have been successful and the attendance has been as high as 40 people.

On February 26th, the Police Department will have their yearly Police Department Awards including the 2014 Officer of the Year in the Norwalk Concert Hall.

March 5th is Fairfield County Giving Back Day that will support the multitude of non-profits. He urged everyone to participate.

The Mayor said that the administration was releasing the first issue of Notes from City Hall with articles from the departments of Council Members.

Tonight there will be discussion of the 2015-16 budget. Mayor Rilling thanked the department heads for keeping the budget as low as possible but also fully funding the BOE.

COUNCIL PRESIDENT.

General Council Business

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Mr. Petrini requested a few minutes of silence for Mr. Larry Cafero Sr. who passed away earlier in the month.

Consent Calendar.

Mr. Petrini read the consent calendar.

**** MR. PETRINI MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:**

- 1. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AGREEMENT WITH NORWALK KIWANIS CLUB FOR THE USE OF THE NORWALK CITY HALL PARKING LOT FOR A “BICYCLE RODEO” (BICYCLE SAFETY EDUCATION) TO BE HELD SATURDAY, MAY 2, 2015 FROM 9:00 AM – 3:00 PM. SET UP SATURDAY, MAY 2, 2015 AT 7:00 AM. ESTIMATED ATTENDANCE 200+.**

- 2. A) AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE TRIANGLE COMMUNITY CENTER FOR THE USE OF MATHEWS PARK FOR “PRIDE IN THE PARK” TO BE HELD SATURDAY, JUNE 13, 2015 FROM 12:00 NOON – 6:00 PM. SET UP SATURDAY, JUNE 13, 2015 AT 6:00 AM. ESTIMATED ATTENDANCE 200 – 300.**

B) AUTHORIZE THE USE OF THE SHOW MOBILE BY THE TRIANGLE COMMUNITY CENTER FOR THEIR “PRIDE IN THE PARK” TO BE HELD SATURDAY, JUNE 13, 2015 AT MATHEWS PARK.

- 3. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE NORWALK YMCA FOR THE USE OF THE SILVERMINE SCHOOL GROUNDS FOR THEIR SUMMER CAMP TO BE HELD MONDAY, JUNE 22, 2015 THROUGH FRIDAY, AUGUST 21, 2015 FROM 7:30 AM – 6:00 PM (MONDAY – FRIDAY). ESTIMATED ATTENDANCE 150.**

- 4. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE LOCKWOOD-MATHEWS MANSION MUSEUM FOR THEIR ANNUAL VICTORIAN ICE CREAM SOCIAL TO BE HELD SUNDAY, JUNE 14, 2015 FROM**

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**12:00 NOON – 5:00 PM. SET UP TO TAKE PLACE SUNDAY,
JUNE 14, 2015 AT 9:00 AM. ESTIMATED ATTENDANCE 1,000.**

- 5. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE LOCKWOOD-MATHEWS MANSION MUSEUM FOR THE USE OF MATHEWS PARK FOR THEIR 8TH ANNUAL OLD FASHIONED FLEA MARKET TO BE HELD SUNDAY, SEPTEMBER 20, 2015 FROM 10:00 AM – 5:00 PM. SET UP TO TAKE PLACE SATURDAY, SEPTEMBER 19, 2015 AT 9:00 AM WITH TEAR DOWN NO LATER THE 12:00 NOON MONDAY, SEPTEMBER 21, 2015. ESTIMATED ATTENDANCE 3,000+.**

- 6. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH THE CT YANKEE COUNCIL BSA FOR THE USE OF CRANBURY PARK PAVILION AND IMMEDIATE SURROUNDING GROUNDS FOR A CUB SCOUT DAY CAMP TO BE HELD MONDAY, AUGUST 10 THROUGH FRIDAY, AUGUST 14, 2015 FROM 7:30 AM – 5:00 PM DAILY. ESTIMATED ATTENDANCE EACH DAY 100.**

- 7. APPROVAL OF THE ASSIGNMENT OF THE AGREEMENT BY AND BETWEEN THE CITY OF NORWALK AND ATLAS PYROVISION PRODUCTIONS INC. DATED MAY 31, 2013 TO ATLAS PYRO VISION ENTERTAINMENT GROUP, INC. PURSUANT TO A CORPORATE MERGER, AND AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE A CONSENT TO ASSIGNMENT DOCUMENT EVIDENCING THE CITY'S CONSENT TO THE ASSIGNMENT AND ASSUMPTION OF THE WRITTEN AGREEMENT.**

- 8. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO AN AGREEMENT WITH FLOTILLA 72 CORPORATION A/K/A UNITED STATES COAST GUARD AUXILIARY FOR THE USE OF CITY PROPERTY AT CALF PASTURE BEACH FOR A 5 YEAR TERM TO COMMENCE APRIL 1, 2015 – MARCH 30, 2020. SAME TERMS AS PREVIOUS AGREEMENT**

- 9. AUTHORIZE THE MAYOR, HARRY W. RILLING TO ENTER INTO A LEASE AGREEMENT WITH NORWALK SMALL CRAFT SAFETY TRAINING PROGRAM, INC. FOR A 5 YEAR**

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TERM TO COMMENCE JULY 1, 2015 THROUGH JUNE 30, 2020.
SAME TERMS AS PREVIOUS AGREEMENT.

B. FINANCE COMMITTEE

- 1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: FEBRUARY 12, 2015**
- 2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED FEBRUARY 12, 2015.**
- 3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: JANUARY 31, 2014**
- 4. AUTHORIZE THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO SHI INTERNATIONAL CORP FOR THE PURCHASE OF DELL SERVERS AND VMWARE SOFTWARE PER RESPONSE TO RFP #3499 FOR AN AMOUNT NOT TO EXCEED \$45,869.00, ACCOUNT 09120600-5777-C0375 (BUDGETED IT CAPITAL ITEM; NO SPECIAL APPROPRIATION REQUIRED).**
- 5. AUTHORIZE THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO SDF PROFESSIONAL COMPUTERS D/B/A SAI COMPUTERS FOR THE PURCHASE OF MICROSOFT SOFTWARE LICENSING [SERVER DATA CENTER (12); SERVER CLIENT (650); EXCHANGE SERVER (2); EXCHANGE CLIENTS (650); SQL SERVER (8); OFFICE PROFESSIONAL CLIENT (350); VISUAL STUDIO (1)] FOR AN AMOUNT NOT TO EXCEED \$275,000.00, ACCOUNT 09120600-5777-C0375 (BUDGETED IT CAPITAL ITEM; NO SPECIAL APPROPRIATION REQUIRED).**
- 6. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE GRANT DOCUMENTS ON THE CITY'S BEHALF FOR A \$1,500,000 GRANT WITH THE STATE OF CONNECTICUT FOR IMPROVEMENTS AT THE OAK HILLS PARK AUTHORITY FACILITIES.**

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7. **RESOLUTION, AUTHORIZING THE CLOSURE OF THE BUCKINGHAM-LOCKWOOD DRAINAGE PROJECT IN THE AMOUNT OF \$867,156. (ACCOUNT #0909-4027-5777-C0421).**

**** THE MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

Mr. Bonenfant pointed out that the Council President had inadvertently skipped an appointment.

RESIGNATIONS AND APPOINTMENTS:

Jan Woodward -Board of Assessment Appeals (ALT) (Correction)

**** MR. HEMPSTEAD MOVED TO CORRECT THE PREVIOUS APPOINTMENT OF MS. JAN WOODWARD AS A REGULAR MEMBER FOR THE BOARD OF ASSESSMENT APPEALS TO AN ALTERNATE MEMBER FOR THE BOARD OF ASSESSMENT APPEALS.**

**** THE MOTION PASSED UNANIMOUSLY.**

Approve and adapt the Concussion Guidelines for Youth Athletics in the City of Norwalk to take effect April 15, 2015.

Council President Petrini said that this item had come to the Recreation and Parks Committee via Mr. Michael Mocciae and Ms. Katherine Snedecker. When it was first presented, the Committee members had many, many questions. However, after reviewing the information, the Committee discovered that the various athletic program directors were in favor of this. He then spoke about the role of parental rights. Mr. Petrini then related two stories about athletes who suffered concussions and suffered long lasting effects.

Ms. Melendez thanked Ms. Snedecker for this program. Many of her good friends were athletes who suffered concussions before college and are now dealing with the effects of those concussions.

Mr. Simms echoed his support of this as well. He said that he wished that when he was younger, he wished there had been something like this available. He said that there were young athletes who were injured but never went to a doctor.

Mr. Kydes said that he was a bit skeptical in the beginning and there would be resistance from the leagues. However, this turned out not to be the case and the leagues were supporting the guidelines.

Mr. Watts left the meeting at 8:07 p.m.

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**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Watts rejoined the meeting at 8:08 p.m.

Mr. Kimmel the read the annual resolution into the record.

WHEREAS, SECTION 1-289 OF THE NORWALK CHARTER REQUIRES THAT A MAJORITY OF THE COMMON COUNCIL VOTE TO ESTABLISH A SPECIFIC SPENDING LIMITATION ON LOCALLY FUNDED EXPENDITURES DURING THE PROCESS OF ESTABLISHING THE NEXT FISCAL YEAR'S OPERATING BUDGET .

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NORWALK THAT:

THE MAXIMUM LIMIT ON TOTAL APPROPRIATIONS FOR THE CITY OF NORWALK FOR FISCAL YEAR BEGINNING JULY 1, 2015 SHALL BE NO MORE THAN \$309,714,111. THIS APPROPRIATION CAP REPRESENTS TOTAL EXPENDITURES OF \$326,889,467 LESS ESTIMATED INTERGOVERNMENTAL GRANTS OF \$17,175,356.

BE IT FURTHER RESOLVED THAT THE RESULT OF THIS VOTE AND RESOLUTION TOGETHER WITH THE ATTACHED 2015-16 BUDGET GUIDE, BE FORWARDED BY THE CLERK OF THE CITY OF NORWALK TO THE BOARD OF ESTIMATE AND TAXATION.

Mr. Kimmel then pointed out that first of all, this is hard work and this is only the half way point in the process. This is just the limit for the expenditures for the coming year. The cap was discussed by the Finance Committee on four separate occasions. Several member of the BET also attended some of these meetings. The discussions between the Council and the Police Department was very important and was a major plus.

Mr. Kimmel's said the senior tax relief program has been expanded. He said that hopefully, there would be a spike in the numbers of seniors availing themselves of these programs.

Mr. Kimmel commented that when the BOE submitted their budget, he was shocked. He said that they are working very hard at containing their expenses.

The Labor contracts have increases and all of the contracts have been completed.

The City was able to move 1 million from the unassigned Fund Balance into the Operating Budget, which alleviates the taxes and puts the City where it is should be by the auditors. The auditors have announced that both the City and the BOE are in compliance.

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Mr. Kimmel said that the increase would be \$57.00 increase for the Fourth Taxing District. He then gave the estimated tax amounts for the various district, which included the lower taxes for South Norwalk and Central Norwalk. However, there were no calculations for the Sixth District as they have not completed their budget process yet.

Ms. O'Toole-Giandurco thanked Mr. Hamilton, Mr. Barron, and Mr. Kimmel for the very educational discussions in the Committees.

Mr. McCarthy said that one thing that happened while in Committee, was the increase of the cap by \$125,000 for an engineer in Public Works. This will allow the permits to be processed quickly and more fees will be collected. This was highly unusual and Mr. McCarthy said that he hoped that the BET would retain that position. He thanked Mr. Hamilton and Mr. Barron for their work on the budget.

Mr. Hempstead said that it was nice to sit through the last two years without people screaming at them and calling Council Members names. He said that he would like to give a "hats off" to former Mayor Moccia and the BET to get the City to the place that it currently is. Mayor Rilling has continued the previous methods. When one considers the state of the City and how good the finances are, the City get some credit.

What has happened over the past two years is that the Council actually believes the figures in the BOE budget. Previously, when the Council questioned the figures, there were threats of BOE program cuts, but now the numbers are accurate and the Council can count on them being reliable.

Mr. Watts announced that he would not be supporting this budget. Tax increases are tax increases and there are people who are suffering. He said that reigning in spending was not controlling spending. This is where he has to push back. The City did not save the taxpayers any money, they simply took a million dollars from the fund balance. He said that the City has to continue to fight for State aid and to reduce costs. He said that in his district, the administration refuses to fix anything. The citizens are not being supported by the administration. Mr. Watts said that the taxpayers would be paying \$25.00 more in taxes for police cars. While he loved the Police Department but there needs to be more reductions in expenses. Mr. Watts said that there were other municipalities with someone in Hartford as an advocate. But Norwalk doesn't have that. The administration doesn't need to raise taxes year after year. Doing this will price people out eventually. Just raising their taxes a little bit is still raising the taxes. The DPW position makes sense, but it should be done without raising the cap. The Council should have some line item control, so they can eliminate things that don't make sense. He said that there were other municipalities where the Council Members had more input and don't have a BET

Mr. Bonenfant said that he also lives in the same district as Mr. Watts. He said that he agrees that the best thing is to keep the pressure on to control costs. However, he disagreed that nothing was being done in District A and mentioned the close out of the

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drainage project at Buckingham Lockwood. There were numerous other projects that had also been done in District A. He said that he would support the budget because he believes everyone has done the best they can. He said that the Council has been improving each time.

Mr. Petrini reminded the Mayor that in the Council Rules, they indicate that every Council Member needs to have the opportunity to make a statement and then must wait to make second comments until everyone else had the opportunity to speak first.

Mr. Simms said that he felt that Mr. Watts should not be denied the right to reply and felt this was a gag order.

Mr. Watts said that he would push back on the rule that prevents rebuttal. However, he is African American and it is Black History Month and he does have the right of free speech.

Mr. Watts said that he did not have anything personal to say, but Mr. Bonenfant was a great guy. The only thing that he could say was Mr. Bonenfant was right to push back. He said that he felt that he could not support the budget at this time. Each Council member has done the best they could and he respects that. He said that when the budget was presented, there was no chance to change the way that they do the business. It is one thing to protect the Seniors but it is sad that a house in Stamford would be cheaper than it would be in Norwalk. He said that there were things going on in the urban core. He said that the roads that were being paved were being done because of the former Mayor.

Ms. Melendez said that she would be voting in support of the budget. She said that Mr. Kimmel, the Finance Department and the administration had worked hard on the budget.

Mr. Kydes said that he was present to support the lowest tax levy in years.

Mr. Igneri said that he would be supporting the cap and the Finance Committee had worked well together. He thanked the Mayor for bringing in the lowest budget in years.

Mr. Kimmel asked Mr. Hamilton to come forward to answer some questions.

Mr. Kimmel asked Mr. Hamilton if there were other positions being added to the staff other than the permit engineer. Mr. Hamilton said no.

Mr. Kimmel pointed out that Connecticut has binding arbitration. Would it be possible to come up with a 0 tax increase. Mr. Hamilton said that most of the dollars were tied up in salaries and benefits, even more so with the BOE. A zero tax increase would not be possible without cutting jobs.

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Regarding the police cars, Mr. Kimmel asked if rotating them regularly, reduces the vehicle repair costs. Mr. Hamilton agreed and said that in the past, the department would spend \$10,000 or more to keep a police car on the road.

Mr. Kimmel asked if there were any new things in the budget. Mr. Hamilton said that other than the Head Start program, which the City did not fund for a few years, no.

Mr. Simms said Mr. Hamilton was incorrect and that there was a risk manager position added. Mr. Hamilton said that the risk manager was added this budget year and was not a general fund position, but an internal funding job. He explained that the City spends major funds on risks and this will reduce expenses.

Mr. Hamilton was then asked why he recommended more than what the Police Department requested. Mr. Hamilton said that the Police Department submitted their budget before the contracts were settled. The large increase accounted for the three years worth of increases that occurred while it was being negotiated.

Mr. Hamilton was then asked about overtime. He replied there were a whole host of increases that are involved when the contract was settled.

Ms. Bowman said that it seemed that the City could have hire more officers for the 1 million dollars. Mr. Hamilton explained that the increase was something that happened over 3 years, which would be about \$350,000 for those years. He then reviewed the cost of supporting a new hire, including health benefits, pensions, and training costs that total more than 50% of base pay. If the City grows bigger, it may be more economical to hire more officers, but right now, doing overtime is better. Chief Kulhawik said that it would take 20 additional officers to cut out overtime.

Ms. Bowman said that she would be voting against the budget because the social services were not being funded. She then said that Head Start only got a small amount of what they wanted.

Mr. Simms said that last year, the detectives had a clothing allowance. Chief Kulhawik said that all the officers have a clothing allowance. Mr. Hamilton said that all the officers have an allowance. If they supply receipts to the PD, then it is not taxable income. This is the IRS policy.

Mr. Watts asked what kind of clothing a plains clothes officer would have. Chief Kulhawik said that the officers can spend it as they chose to. Mr. Watts said that this was something in the contract that was extremely problematic. He said that the department should look into this and restrict it. He said that an officer could buy a suit and wear it to court, but also wear it to a wedding. He said that the City of Norwalk should not be in the business of buying people's clothes. People would frown on this. They should only

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pay for a police uniform. That practice should be done away with and a new stipend started where it only is for a suit.

Chief Kulhawik said that this was a collective bargaining issue and he had no control over it.

Mayor Rilling asked Mr. Hamilton how long the clothing stipend had been in the contracts. Mr. Hamilton said that the inclusion of the clothing stipend predated his time in the Norwalk, which started in 1987. He said that the clothing stipend would be difficult to remove because it is very common in both the Police Department and Fire Departments all through the State.

Mayor Rilling said that he was in Hartford and spoke with Representative Looney about the real estate taxes rely on property taxes. In CT 87% of the taxes come from property taxes. He also said that he had spoken about ECS funding, PILOT taxes, and Priority School funding.

Mayor Rilling said that paving was not included in the budget. He gave Mayor Moccia credit for the paving fund. In this budget, there is more funding for paving and a million dollars for the sidewalks.

**** MR. KIMMEL MOVED THE OPERATING BUDGET RESOLUTION.**
**** THE MOTION PASSED WITH ELEVEN (11) IN FAVOR (KIMMEL, IGNERI, MELENDEZ, O'TOOLE-GIANDURCO, HEMPSTEAD, BONENFANT, PETRINI, IANNACONE, MCCARTHY, MAGGIO AND KYDES) AND FOUR OPPOSED (WATTS, BOWMAN, STEWART, AND SIMMS).**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council floor at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed motions from the Council floor at this time.

X. SUSPENSION OF RULES

There were no suspensions of the rules from the Council floor at this time.

XI. ADJOURNMENT

**** MR. MCCARTHY MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

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The meeting adjourned at 9:10 p.m.

Respectfully submitted

S. L. Soltes
Telesco Secretarial Services.