

***Common Council Actions***

**COMMON COUNCIL**

**ACTION**

**JANUARY 22, 2002**

**NORWALK, CONNECTICUT 8:00PM DST, 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.**

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, January 22, 2002, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex Knopp called the meeting to order at 8:10 p.m. and then led the assembly in reciting the Pledge of Allegiance.

**I. ROLL CALL**

Betsy Bain  
Jeanette Olmstead-Sawyer  
Fred Bondi  
Christopher Perrone  
Barbara Hudgins  
Kevin Poruban

Bruce Kimmel

Judith Rivas

William Krummel

Douglas Sutton

Joseph Mann

Peter Wien

Matthew Miklave

Thirteen (13) Members were present at Roll Call.

## **II. ACCEPTANCE OF MINUTES**

### **A. Regular meeting - January 8, 2002**

Throughout the document: The City Clerk will check the tape to verify the votes of all the Motions made during the meeting. It was determined that not all Motions made that evening passed unanimously as the minutes indicated.

Page 2, 2<sup>nd</sup> Paragraph, 1<sup>st</sup> and 2<sup>nd</sup> Sentences: Delete the name "Mr. Mark Chilava" and insert the name "**Mr. Art Scialabba**".

Page 9, 3<sup>rd</sup> Paragraph, 2<sup>nd</sup> Sentence: Delete the word "convenience" and insert the word "**inconvenience**". 4<sup>th</sup> Sentence: Delete the name "Mr. Grummond" and insert the name "**Mr. Grumman**". Last Sentence should read: "All the work **by the entrance to** Flax Hill Park had been completed."

Page 11, 1<sup>st</sup> Paragraph, Last Sentence: According to the recollection of Mr. Kimmel the sentence should read: "This situation will **end**". 2<sup>nd</sup> Paragraph, Under A.-1.: Delete the name "Alice" and insert the name "**Alicia**".

**\*\* MR. BONDI MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

## **III. PUBLIC PARTICIPATION**

**Ms. Donna King, 71 Aiken Street** addressed the Council. She stated that she was the Democratic Town Chairperson and she noted that when the previous Mayor retired he retired a gavel as well. She went on to state that this left the new Mayor without a very important tool and then she presented Mayor Knopp with a gavel that was engraved to him from the Norwalk Democrats.

**Ms. Dale Ford, 26 Deerfield Street** addressed the Council. She stated that the final approval for the Brookside School Project would be before the Members this evening and many of the parents that had worked for this project were present tonight. She went on to state the history of events that caused delays in the project over the years as well as the items that were in need of repair or replacement because they were either worn or in violation of code. Ms. Ford explained to the Council that the parents had attended over 50 meetings regarding the project over the years to show their support. She advised the Members of how the Ad Hoc Committee was formed and she pointed out that they were

delighted to hear that the new Council's campaign highlighted the need to fix Brookside School. She stressed that it had taken over 7 years to get to this point. As the Ad Hoc Chairperson, Ms. Ford assured the Council Members that the plans for the project were sound and fiscally prudent. She closed by asking the Members if they agreed that this project had been delayed long enough and if they would live up to their campaign and give the students a healthy school.

**Mr. Ralph Bloom**, 50 Aiken Street addressed the Council. He relayed his past history on the Mayor's Historic Sites Commission and stated that he was present to speak about the house that was on the agenda this evening. He stressed that there were no graves on the site in question when he was on the Commission and there were no graves on the site now. He went on to state that the site reviewed was fill to level off the property and there were 2 buildings there with foundations. He explained that there was a drainage system under the parking lot because they were not allowed to drain to the street and they had a catch basin. Mr. Bloom closed by asking the Council Members to vote with confidence that this site was the best location for the house. He added that the design of the property would be complete, the park would be finished and the City would be proud.

**Ms. Diane Rochelle**, 15 Bayberry Lane addressed the Council. She stated that she was the Chairperson of the Norwalk Historical Commission and she thanked the Council Members for the attention that they were giving to the Rogers Ritch Merritt Project. She also thanked them for their patience. She went on to state that this would be a most successful restoration project. She noted that there was much enthusiasm for this project and many organizations thought it was wonderful. She assured the Members that they were not disturbing burial sites. She stressed that there were no gravesites and no unforeseen burials. Ms. Rochelle stated that she would remain in the Council Chambers to answer any questions the Members might have.

**Ms. Donna Dutlinger**, 7 Woodchuck Lane addressed the Council. She asked all those present in support of the Brookside School Project to stand. She stated that she was the co-President of the Brookside School PTO and a member of the Ad Hoc Committee. She remarked that she could not believe that she was present again this evening begging for this project to go forward. She noted that the project would be costing more now but that was due to all the delays. Ms. Dutlinger commented that they had complied with everything that was asked of them and now one month before they were due to go to the State the parents were here again. She said that if the City was trying to wear them down it was not going to happen. She noted that it was her job as PTO President to make the school better for the children and it was her job as a parent to be home with her child. However, she said, instead of being home with her child she spent more time making sure that the City was administering properly. Ms. Dutlinger stated that she understood that this Administration did not start the problem but it was their campaign promise to pay attention to the schools. She asked the Members what they might do if other school projects went over budget and commented that if they stopped this project now they would lose all confidence that the citizens had in the new Administration. She closed by asking the Members to show the citizens how they really felt about what really mattered – the children and their education.

**Mr. Robert Griffith**, 21 Sable Street addressed the Council. He stated that he appreciated the work the Mayor had done and he was here this evening to discuss the Assistant to the Mayor position. He went on to state that the last Mayor also wanted an assistant and although he realized that Mayor Knopp was very involved and worked hard this issue was fought amongst the Council Members at that time. He commented that this issue should not be quickly decided upon and in his opinion if there was going to be a "Vice-Mayor" the citizens should vote for that person. Mr. Griffith said that it would look bad for the Democrats to railroad an Assistant to the Mayor without giving the Republicans an opportunity to make a decision on this. He closed by stating that not having a single Republican on the Council unfairly positioned the members of the Norwalk populous.

**Ms. Diane Lauricella**, 249 Chestnut Hill Road addressed the Council. She stated that she was present to speak to Items 7.A. 1 and 2 on the agenda and she had done some homework on the issue. She went on to state that she cared a lot about the City and she felt the Members needed to table these items because it seemed there were alternatives that had not been explored. She mentioned to the Members that an instrument could be used or core borings could be performed with a drilling rig to ensure that they were not disturbing burial sites. She remarked that it appeared that possibly not the best methodology had been used in making this decision. Ms. Lauricella asked that this issue be tabled and be referred back to the Chair of the Commission because she felt there were viable alternatives. She stated that she respected the Commission but she was not certain that enough time had been allowed to discuss the subject. She closed by asking that Heritage Park or Fodor Farm be considered as an alternate site and that the Members keep an open forum such as the one that they were all voted in to uphold.

#### **IV. MAYOR**

##### **A. RESIGNATIONS AND APPOINTMENTS**

There were none this evening.

##### **B. REMARKS**

Mayor Knopp stated that last Saturday the Parks and Recreation Department sponsored a 3-hour tour of all the parks and recreational facilities in the City. He thanked Mr. Mocciae and Mr. Lo for their efforts. Mayor Knopp remarked that the City had terrific resources and they were well managed.

#### **V. COUNCIL PRESIDENT**

##### **A. CONSENT CALENDAR**

Mr. Mann presented the following items for Consent:

**VII. COMMON COUNCIL COMMITTEES**

**A. LAND USE AND BUILDING MANAGEMENT COMMITTEE**

**5.** Authorize the Mayor, Alex A. Knopp, to execute a License Agreement with the property owner of 16 River Street for the installation of two kitchen exhaust fans, which will encroach into City property. Said Agreement shall be for a period not-to-exceed ten (10) years and the property owner shall provide an insurance certificate naming the City of Norwalk as additional insured.

**B. RECREATION, PARKS AND CULTURAL AFFAIRS COUNCIL**

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Connecticut Sculpture Park/Peter Lundberg to place outdoor sculptures in Heritage and Mathews Park. **REFER BACK TO COMMITTEE:  
APPROVED**

**2a.** Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to accept grant funds from the State Department of Environment Protection, The Boating Infrastructure Grant in the amount of \$17,625.00 for the Visitor Moorings and Signage Project.

**2b.** Authorize the Mayor, Alex A. Knopp, to execute any and all documents and instruments necessary to implement the Visitor Moorings & Signage Project pursuant to such grant funding.

**\*\* MR. MANN MOVED APPROVAL OF THE CONSENT CALENDAR AS PRESENTED.**

**\*\* MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS.**

**B. OTHER GENERAL COUNCIL BUSINESS**

1. Schedule a special Common Council meeting on February 6, 2002 at 7:30 p.m. to receive the PricewaterhouseCoopers Inc. report.

**\*\* MR. MANN MOVED APPROVAL OF THE ITEM.**

Mayor Knopp stated that this would be a joint meeting of the Board of Education and the Common Council along with the representatives from PricewaterhouseCoopers. He explained that there would be a second meeting when the results of the audit would be reported and any member of the public could ask questions.

Mr. Kimmel asked if the Council Members could receive a copy of the report prior to the meeting of February 6<sup>th</sup> and Mayor Knopp replied that as soon as he received it the copies would be distributed to the Members.

Mr. Mann advised that on Thursday, January 24<sup>th</sup> the Ordinance Committee was conducting a Public Hearing in Room 231 regarding Senior Tax Credit and the Grant Ordinance. He further advised that on the following Thursday, January 31<sup>st</sup> there would be a meeting in Council Chambers to address the Parking Authority issue.

**VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS**

**A. CORPORATION COUNSEL**

1. Approve the relocation of the Rogers-Ritch-Merritt House to the Mill Hill Complex and authorize the Historical Commission to apply for all necessary approvals including, but not limited to, Zoning Permit, Zoning Variance, CAM Permit and Planning Commission Section 8-24 Review.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Kimmel stated that he was in favor of this motion. He commended the Commission and stated that he felt this was not a rush in judgment. He remarked that the Land Use and Building Management Committee had spent the better part of 2 meetings discussing this matter. He explained that they had seen maps and documents and there had been an examination of the site. Mr. Kimmel announced that he was comfortable with the present plan's placement of the house. He added that he felt there were no problems. He remarked that the ground that was selected was the appropriate site and he looked

forward to this project getting underway. He noted that hopefully it would be accomplished in a relatively short period of time.

Mr. Bondi stated that he was not in favor of this item because of conflicting maps and information. He went on to state that he personally went to the site and looked at the area where the probing was supposedly done. He relayed that there was approximately 4' of fill and even if they had probed 6' nothing would have been discovered because if anyone were buried there they would have been placed lower than that. Mr. Bondi remarked that he felt it was not good to put the house on that site if people were still buried there. He added that he was in favor of saving the house but he was not in favor of the location that had been chosen.

Mr. Kimmel stated as a point of information that there was no official dispute of the actual boundaries of the cemetery. Mr. Bondi stated that there were conflicting maps but Mr. Kimmel remarked that those maps were not of the cemetery proper.

Ms. Sawyer-Olmstead stated that she agreed with Mr. Bondi. She remarked that at the Land Use and Building Management Committee meeting it was found that there were some spots at Mill Hill Complex where paupers and strangers could be buried. She added that these people had not received the luxury of any type of markers. She commented that the fill area that was seen had not been probed deep enough to determine if anyone was buried there. Ms. Olmstead-Sawyer stated that she agreed with the speaker who said earlier that there were many alternative spots that could be used. She pointed out that the Historical Society wanted this site because it was located near the river but Heritage Park could give them the same view.

Ms. Bain commented that she was fast learning that the Council would not be able to please everyone all the time. She stated that she had sat in on many of the discussions and conversations that had taken place regarding this issue and she felt that they would never have a definitive answer with regard to the burials. She went on to state that she was led to believe that the probability was that there were no burials down by the houses. She explained that the vitality of a historical site occurred when there was a critical mass. She remarked that she felt this would draw more people to the Mill Hill Complex, complete the Complex and center the attractions.

Mr. Wien stated that he liked the idea of the house being up on Mill Hill. He went on to state that he was interested in what Ms. Lauricella had to say about the machine that could be used. He remarked that he was disturbed that if they had probed 6' down into the fill it did not guarantee that nothing was beneath it. He commented that he was concerned about what they would do if they started the process and began to put the house there and then found some graves during the construction process.

Mr. Bloom returned to the podium and addressed the Council. He stated that there were no graves behind the church site and the townhouse stood on the other end of the property. He went on to state that the property went down to a swale and he always believed that this was the foundation hole for the preceding building. He explained that

they renovated the building in 1964-1965 and they sunk an entire foundation under the rear wing. He went on to say that they had brought the fill in from the high school site and they stayed approximately 6' away from the earliest demarcation of graves. Mr. Bloom stated that the Fitch House was put in with a full foundation and nothing was discovered. He said that the property was irregular and over the years everyone had a chance to go in and investigate. He pointed out that this space was right behind the public meetinghouse and it was unlikely that any indigents would be buried there. He added that most likely Pine Island Cemetery would have been used for those burials and in the case of Mill Hill it was his belief that there had not been a burial there in 160 years.

Mr. Bloom also pointed out that off site development also meant off site maintenance and the chance of people going to visit one building was nil. He asked the Members to think of Mill Hill as a bookend and he remarked that what the City had done for Mill Hill would be an anchor for the town. He reiterated that no one who had worked on the project ever suspected that there were graves on the site. He said that most of the new house would be built into the fill and it wasn't probed because it wasn't suspect of being a gravesite. He noted that the surrounding area had been probed. He remarked that the biggest problem they had was delay. He commented that this was day #2 of the demolition and the house was coming down and going into trailers. He stated that he was on the Fund Raising Committee and nothing would kill fund raising more than indecision. He closed by stating that for the most part the house would be on the same site as the 2 existing buildings and they were comfortable that no fast judgment had been made. He said that this would bring the Park to completion and that the cemeteries occupied most of the land and the buildings only occupied a small part.

Ms. Rochelle returned to the podium and addressed the Council. She stated that they had not probed the fill area because the services of Mr. Godfrey, an authority in his field, had been retained. She went on to state that in Mr. Godfrey's expert opinion to probe 8' of fill with a 10' pole would not yield any conclusive information. She explained that they had gone out to the visible edge of the graveyard and the parameter around it and found no buried gravestones or pine boxes. She added that there had been no change in the consistency of the probing that would make anyone question it. She closed by stating that they would never know for sure unless they excavated the entire site.

Ms. Olmstead-Sawyer asked why they had not thought of using a place like Heritage Park and Ms. Rochelle replied that they had not considered Heritage Park because it was Open Space and was being developed by the Department of Parks and Recreation. She remarked that they had considered Mill Hill because it fell under the National Historical Registry of Historic Places and it was being managed by the Historical Society and the DAR. She added that they would not have to invent a new management because it fell right into Revolutionary history, the burning of Norwalk history and Civil War history. She closed by stating that they felt this was a golden opportunity to enhance the area and make Mill Hill shine as an entity and a destination.

Mayor Knopp suggested that the issue be debated between the Council Members.

Mr. Krummel stated that he wanted to give his colleagues on the Council an opportunity to speak because he had great respect for their feelings and opinions. He went on to state that the overwhelming evidence from Mr. Bloom, a distinguished historian, and Ms. Rochelle, the Chair of the Commission, as well as the Members of the Commission who voted in favor of the project indicated that they should move forward. He added that to delay any longer would cost more money and even though he agreed with Rev. Olmstead-Sawyer he felt they should move ahead. He closed by stating that he felt the next few weeks would not yield any new evidence and he respectfully asked the Members to vote.

**\*\* MOTION PASSED BY ROLL CALL VOTE WITH TEN (10) IN FAVOR (MESSRS. KRUMMEL, MIKLAVE, SUTTON, KIMMEL, WIEN, PORUBAN, PERRONE, MS. BAIN, MS. HUDGINS, MS. RIVAS AND THREE (3) OPPOSED (MESSRS. MANN, BONDI AND MS. OLMSTEAD-SAWYER).**

## **VII. COMMON COUNCIL COMMITTEES**

### **A. LAND USE AND BUILDING MANAGEMENT**

1. Amend Common Council action of January 8, 2002 Item VII, C.2 which authorized the execution of an agreement with Gregg and Wiles Architects, LLP to provide Architectural Services for the preliminary phase of the relocation of the Rogers-Ritch-Merritt House. Said approval was limited to the dismantling of the building. The proposed amendment will include all of the preliminary work as specified in the architect's proposal.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED BY A SHOW OF HANDS WITH TWELVE (12) IN FAVOR (MESSRS. KRUMMEL, MIKLAVE, SUTTON, KIMMEL, WIEN, PORUBAN, PERRONE, MANN, BONDI, MS. BAIN, MS. HUDGINS, MS. RIVAS AND ONE (1)) OPPOSED (MS. OLMSTEAD-SAWYER).**

**3a.** Authorize the Mayor, Alex A. Knopp, to execute a contract with New England Energy Controls, Inc. for the Energy Management Expansion Project at City Hall for a total not to exceed \$25,162.00. Acct. #09027100 5777 C0228

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Miklave stated that when he reviewed the backup material provided it indicated that the implementation of this project would save \$3,500.00 in energy costs and also \$7,000.00 would be received from the energy company. Mr. Lo explained that the \$7,000.00 would be a one-time payment from the energy company and the \$3,500.00 would be returned to the City yearly.

Mr. Miklave clarified that the City would be spending \$25,000.00 and they would immediately save \$10,000.00 and then it would take 5 years to recoup the total \$25,000.00. He asked Mr. Lo if they would be coming back in 5 years to do this again and Mr. Lo replied that it would depend on the life cycle of the equipment, which they assumed was 20 years. He added that the building was 15 years old.

Mr. Miklave commented that he was going to cast a negative vote at this time because he felt the Council needed a little more information. He remarked that they would be spending \$25,000.00 and although he was certain it was justified somewhere he did not see it in the material provided.

**\*\* MOTION PASSED BY A SHOW OF HANDS WITH ELEVEN (11) IN FAVOR (MESSRS. KRUMMEL, SUTTON, KIMMEL, WIEN, PERRONE, MANN, BONDI, MS. BAIN, MS. HUDGINS, MS. RIVAS, MS. OLMSTEAD-SAWYER) AND TWO (2) OPPOSED (MESSRS. MIKLAVE, PORUBAN).**

**3b.** Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$2,516.00.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED BY VOICE VOTE WITH ELEVEN (11) IN FAVOR (MESSRS. KRUMMEL, SUTTON, KIMMEL, WIEN, PERRONE, MANN, BONDI, MS. BAIN, MS. HUDGINS, MS. RIVAS, MS. OLMSTEAD-SAWYER) AND TWO (2) OPPOSED (MESSRS. MIKLAVE, PORUBAN).**

**4a.** Approve final design for Brookside School Replacement Project with a revised cost estimate not-to-exceed **\$14,800,000.00.**

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS.**

Mr. Kimmel stated that he very much supported the Motion and the amount. He added that he trusted the numbers from Turner Construction Management and felt that they were realistic. He noted that he felt there would not be the usual amount of cost overruns. He went on to state that he sympathized with the situation the Brookside Committee had endured. He remarked that he had voted many times for different things on this project and he noted that it had been a long process. Mr. Kimmel commented that the Committee had been patient with the City and that he hoped all the Members would support the project.

Mayor Knopp interjected that he would like the members of the assembly with signs to put them down. He said that they might intimidate someone on the Council who had a different point of view.

Ms. Rivas commented that she was concerned that other expenses might occur but Mr. Kimmel had stated that a cushion was built into the figure presented and she agreed that this project had been delayed long enough.

Ms. Bain expressed some frustration due to the fact that when the Members first got on the Council they had to approve an additional million dollars for this project and now more money was needed. She added that this was somewhat of a surprise but the alternative was to spend more money on additional design and delay costs. She remarked that she felt they had to approve this item but she also felt that better oversight was needed so they did not see a repeat of this process of adding and adding to the cost of projects.

Mr. Wien stated that he was very impressed with the Brookside community turnout this evening. He went on to state that he approved of this item because it was not going to get better or less expensive.

Mr. Bondi stated that he would like to echo what Mr. Kimmel had said. He went on to state that during his prior service on the Council it seemed as if the Brookside School project was on the agenda all the time. He remarked that he sympathized with the Brookside parents. He noted that the past Council had not pushed this project but the current Council was dedicated to getting projects underway.

Mr. Miklave commended the Brookside parents for their dedication to this project. He stated that he personally had a commitment to the Norwalk Public Schools because he had 3 school age children but it took his breath away to have to vote on two million dollar escalations in the last 3 months. He remarked that it would be an understatement to say that the cost of this project was a little more than the Council originally voted last year and any further costs would cause him real trouble.

Mayor Knopp announced that he would like to make a comment at this time. He stated that some of the public comments made this evening had been directed at him and the new Administration, some of which had a hostile tone. He pointed out that he and the Council had only been in office for 2 months and one of the first things they did was to

approve an increase in funds for the Brookside School Project. Mayor Knopp surmised that some of the hostility and comments that were made were directed towards the prior Administration. He stressed that he had pointed out in his campaign a desire to fix a broken school process. He remarked that he had committed more time individually and in hours of meetings with staff to create a construction oversight to avoid these problems. Unfortunately, he said, Brookside was caught in middle because it was the last school designed under the old broken process and the new process was not yet in place.

Mayor Knopp advised the assembly that the Administration did plan to move expeditiously with this project and they had been more than generous in the past 2 months. However, he cautioned that did not mean they would write a blank check. He stressed that the Brookside School Project had in no way been shortchanged or delayed by what this Administration was doing. He indicated that the big problem was that the review of the project by the construction manager had come much later than it should have, but future projects would not have figures floating out there without a construction manager's review. He stated that the cost of the project had been flawed and in some areas it was badly flawed. He went on to state that in some areas the cost had been underestimated by 50%, which ordinary competence should have revealed.

Mayor Knopp remarked that he hoped the City never had this situation again and that no other parent had to endure what the Brookside parents had gone through. He noted that the plans had to be presented to the State by March 18<sup>th</sup> and they would be. He closed by stating that he felt some of the comments made this evening were inappropriate given the work the Administration had done so far on the project. He added that they would make certain that this very bad situation would not happen again.

**4b.** Authorize the Land Use and Building Management Committee/School Building Committee to initiate a request for Special Capital Appropriation in the amount of **\$3,800,000.00** for the Brookside School Replacement Project.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**4c.** Authorize the Board of Education/Purchasing Department to issue Request for Proposals from Construction Management Companies to provide construction management services for the construction phase of the Brookside School Replacement Project.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mayor Knopp stated that Turner Construction had provided pre-construction services and this Motion was made to continue the process for the construction fees of the project.

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**MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**C. BOARD OF ESTIMATE AND TAXATION**

1. RESOLVED, that a sum not to exceed \$39,843.10 be and the same is hereby transferred from Increased Estimated Revenues to the Police Department to reflect funds received through the Federal Asset Forfeiture Program. Acct. #01-3010-5661

**\*\* MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

Mayor Knopp stated that the Board of Estimate and Taxation had approved this item unanimously. He explained that these funds would be used by the Police Department for general law enforcement purposes.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

2. RESOLVED, that a sum not to exceed \$9,892.75 be and the same is hereby transferred from Increased Estimated Revenues to the Police to reflect funds received through the State Asset Forfeiture Program. Acct. # 01-3010-5620-5621

**\*\* MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3. RESOLVED, that a sum not to exceed \$7,361 be and the same is hereby transferred from Contingency to the Recreation and Parks Department to pay for an honorary monument for the late Thomas C. O'Connor. Acct#016031-5790

**\*\* MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**A. FINANCE COMMITTEE**

1. For informational purposes only: Comprehensive Annual Financial Report dated June 30, 2001 (See attached)

Mr. Kimmel stated that the Members received one of these reports each year. He informed the assembly that the public could get a copy of the report from either City Hall or the Public Library.

2. Budget Resolution setting Cap at **\$185,080,404**.

**\*\* MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Kimmel read the Resolution to the assembly. He stated that this was an artificial, placeholder cap and it was predicated on the notion that they were awaiting additional information on the budget.

Mr. Kimmel advised that according to City Charter the Finance Department would recommend an Operating Budget to the Common Council and in turn the Members had 2 weeks to set a cap. He remarked that in the past the Council had analyzed it, held a Public Hearing and set a cap in 2 weeks time, even though everyone involved believed that the process was too compressed. He commented that the timeframe was clearly not sufficient so the Members now planned to take advantage of a provision in the Charter that would allow them to amend the cap by the 2<sup>nd</sup> Tuesday of March. Mr. Kimmel announced that the cap set tonight was not real and he explained that it was a placeholder. He stated that the budget requests that they had received at this time were clearly too high and were unacceptable. He went on to state that they had to bring the budget down and this would allow them the time to look for ways to do so.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

A. **PERSONNEL COMMITTEE**

1. Approval of Ordinance List position-Assistant To The Mayor (Job Description Attached.)

**\*\* MR. SUTTON MOVED APPROVAL OF THE ITEM.**

Mayor Knopp stated that this Resolution would restore a position that existed in the City for a number of years. He went on to state that the position was first created in 1984 and lasted until 1995 or 1996. He pointed out that a City that had a \$220 million dollar budget needed help for its Chief Executive Official to follow through in different projects, i.e. emergency departments, technology and similar types of issues. Mayor Knopp stressed that this position was not that of a Deputy Mayor or a Vice-Mayor. He advised the assembly that in the prior Administration the Mayor had requested an assistant and the dispute was over the assistant's job description. He noted that this position had a very different job description.

Mayor Knopp explained that the Assistant to the Mayor would implement initiatives and many similar sized cities had similar positions in their administrations. He further explained that in other cities, larger and smaller, there was an effort to give the manager

some assistance in carrying out initiatives to the departments. He added that it would help avoid some of the problems that occurred in the past and the position would more than pay for itself by improving efficiency.

Mr. Kimmel stated that there had been some discussion about what the Members had voted in the past and he felt that needed to be clarified. He explained that what they had received the first time this position was proposed was a very poorly written job description and it had been difficult to determine what the duties would be for that position. He went on to explain that when it was cleared up it was obvious that the assistant would have supervisory powers over the department heads. He stated that the Members did not deem this to be the duties of an assistant but of a Deputy Mayor. He went on to state that at that time they had a Mayor that was disengaged and uninvolved. He remarked that to empower a deputy would not have really helped and many of the Members could not support it. He added that it had been a bipartisan decision.

Mr. Kimmel commented that the situation was totally different at this time. He stated that the City now had a fully engaged Mayor who was involved in many issues, i.e. education, police, Reed Putnam proposals. He remarked that they were trying to move ahead in a very orderly and systematic fashion but the Council could not manage the day-to-day activities of City Government when they only met twice a month. He added that the Members couldn't do it and neither could the Mayor by himself. He pointed out that even the Dog Pound had been unresolved for nearly 3 years because the issue had fallen through the cracks. He added that it was symbolic of what had happened in the past. He closed by stating that adding to the Mayor's Office would help Norwalk. He said that it would be good for the City, things would get done and hopefully the position would pay for itself shortly.

Mr. Krummel stated that he greatly appreciated the stress the Mayor was under and the need for additional executive work to be performed. He said that in his short time on the Council he had been impressed with the efforts the Council Members had extended. He went on to say that the number of hours that the Members dedicated were incredible and necessary. He remarked that it was necessary that this branch of City Government, the Legislative Branch, have the energy to do the job. He stated that they must look for ways to support the Legislative Branch and noted that the staff was overworked and he commended them for the jobs that they performed. Mr. Krummel remarked that they needed to help the staff and he suggested that they explore some avenues (such as internships) to do this. He commented that he felt there were creative ways, not expensive ways, to strengthen the Executive Branch and it was his hope that in the very near future they would be taking the steps necessary to strengthen the Legislative Branch.

Mayor Knopp stated that the Personnel Committee had a salary range for this position of a Grade 8, which was the same as an Assistant Director of Planning and Zoning or Parks and Recreation. He asked that the Resolution include that the position be of a Grade 8 pay range.

**\*\* MR. SUTTON MOVED APPROVAL OF AMENDING THE MOTION TO INCLUDE THAT THE POSITION BE OF A GRADE 8 PAY RANGE.**

**\*\* AMENDMENT TO THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**\*\* MOTION PASSED BY A SHOW OF HANDS WITH TWELVE (12) IN FAVOR (MESSRS. KRUMMEL, MIKLAVE, SUTTON, KIMMEL, PORUBAN, PERRONE, MANN, BONDI, MS. BAIN, MS. HUDGINS, MS. RIVAS, REV. OLMSTEAD-SAWYER AND ONE (1) ABSTENTION (MR. WIEN).**

**X. SUSPENSION OF THE RULES**

**\*\* MR. MANN MOVED APPROVAL TO SUSPEND THE RULES AND ADD ITEMS VII. F. 1 AND 2 TO THE AGENDA.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**VIII. RESOLUTIONS FROM COUNCIL MEMBERS**

1. Authorize the Mayor, Alex A. Knopp, to execute a Second Amendment to the Lease Agreement with Hillard E. Bloom and Robert W. Bloom, Executor of the Estate of Norman R. Bloom, for property situated at 100 Water Street, South Norwalk, used as the Norwalk Police Department Marina. The Amendment will revise the amount of rental payments to be made by the City to \$670.00 per month.

**\*\* MR. PORUBAN MOVED APPROVAL OF THE ITEM.**

Mr. Poruban stated that currently the Marina Police conducted their operations from 100 Water Street free of charge to the City. However, he went on to state that with the passing of Norman Bloom the executors of his estate would like reimbursement for heating, electricity and telephone costs. He noted that Chief Rilling had advised that these costs would be taken out of their budget and there would be no additional cost to City coffers.

Ms. Bain asked if the cost for this item would be reflected in their next year's budget proposal and Mr. Poruban replied that he believed it would.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**2. AMENDMENT TO HAZARDOUS MATERIALS RESPONSE ASSISTANCE MUTUAL AID AGREEMENT FOR ADDITIONAL FIRE PROTECTION.**

**First Amendment:** Paragraph 11 of the Agreement is amended by adding: Pursuant to C.G.S. 7-339f(1), this Agreement shall terminate on June 10, 2024, and may be amended from time to time by a majority vote of the parties.

**Second Amendment:** Paragraph 6 of the Agreement is amended by adding: Pursuant to C.G.S. 7-339f(3), no payment by any party participating in this Agreement shall be required in consideration of the receipt or obtaining of services. To the extent that C.G.S. 7-339(f) requires such payment, the parties hereby expressly waive any and all rights thereto.

**Third Amendment:** Paragraph 13 (New): Pursuant to C.G.S. 7-339(f), in the event that a dispute arises between or among any parties to this Agreement, such parties shall make good faith efforts to resolve the matter amicably. In the event that the parties are unable to do so, the dispute shall be adjudicated or settled by the selection of a neutral arbitrator to be provided by the Hartford Regional Office of the American Arbitration Association. The parties to the dispute shall equally bear the costs of arbitration.

**\*\* MR. PORUBAN MOVED APPROVAL OF THE ITEM.**

Mr. Poruban stated that in June 1999 the City of Stamford operated their own Hazardous Materials Unit but had subsequently decided to sign on with the Fairfield County Unit. He explained that their Corporation Counsel had noted that there were some changes to the statutes so he scripted the changes based on the Connecticut General Statutes. He further explained that it was going to be forwarded to all of the communities that participated in the program and it had been received in Norwalk in April 2000. He commented that he was unsure why it had not been acted upon.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**IX. MOTIONS POSTPONED TO A SPECIFIC DATE**

There were none.

**XI. ADJOURNMENT**

**\*\* MR. KIMMEL MOVED APPROVAL TO ADJOURN.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Ann Marie DeLuca

For: Telesco Secretarial Services

ATTEST: \_\_\_\_\_

Pam Stark, City Clerk

