

***Common Council Actions***

**January 23, 2007**

COMMON COUNCIL MEETING 8:00 P.M. EST COUNCIL CHAMBERS

CALL TO ORDER

Mayor Moccia called the meeting to order at 8:03 p.m. and led the assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Ms. Roman called the Roll. All fifteen members of the Council were present.

PRESENT: Michael Coffey Matthew Miklave  
Kevin Poruban Joanne T. Romano  
Carvin J. Hillard Fred A. Bondi  
Nicholas Kydes Douglas E. Hempstead  
Kelly L. Straniti Gwen L. Briggs  
William Krummel Herbert A. Grant  
Rev. Phyllis Bolden Richard McQuaid  
Douglas Sutton

ABSENT: None

II. ACCEPTANCE OF MINUTES

Regular Meeting – January 9, 2007

\*\* MR. KYDES MOVED TO ACCEPT THE MINUTES OF THE JANUARY 9, 2007 MEETING.

The following corrections were noted:

Page 9, paragraph four: please add the following sentence at the end of the paragraph:  
“Mr. Poruban stated that he has known Mr. Chandler for 30 years.”

Page 11, please change the following from:

“\*\* THE MOTION TO TABLE FAILED WITH FIVE IN FAVOR (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL) AND EIGHT AGAINST (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI).”

To: “\*\* THE MOTION TO TABLE FAILED WITH SIX IN FAVOR (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL) AND EIGHT

AGAINST (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI).”

Page 12, paragraph 2, first line: please change “Mr. Grant stated that he knew Mr. Lashley” to “Mr. Coffey stated that he knew Mr. Lashley”

Page 12, please change the following from:

\*\* MR. MCQUAID SECONDED.

\*\* THE MOTION TO APPOINT MR. CHARLES LASHLEY TO THE HISTORIC COMMISSION IN FAVOR (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI) AND FIVE AGAINST (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL).

to: \*\* MR. COFFEY SECONDED.

\*\* THE MOTION TO APPOINT MR. CHARLES LASHLEY TO THE HISTORIC COMMISSION IN FAVOR (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI) AND SIX AGAINST (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL).

Page 12, paragraph three, line one: please change the following from: “Mr. Kydes said that Mr. Park has lived in Norwalk all his life and that” to “Mr. Kydes said that Mr. Park has lived in Norwalk for 22 years and that”

Page 12, please change the following motion:

From: \*\* THE MOTION TO APPOINT MR. DAVID PARK TO THE HISTORIC COMMISSION PASSED WITH EIGHT IN FAVOR (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI) AND FIVE AGAINST (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL).

to: \*\* THE MOTION TO APPOINT MR. DAVID PARK TO THE HISTORIC COMMISSION PASSED WITH EIGHT IN FAVOR (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI) AND SIX AGAINST (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL).

Page 13, please change the following motion

from: \*\* THE MOTION TO APPOINT MR. CHARLES YOST TO THE HISTORIC COMMISSION PASSED WITH EIGHT IN FAVOR (COFFEY, ROMANO, GRANT, MCQUAID, BONDI, KYDES, HEMPSTEAD, AND STRANITI) AND SIX AGAINST (MIKLAVE, PORUBAN, BOLDEN, HILLARD, BRIGGS, AND KRUMMEL).

Page 25, paragraph four, line three please change the following: “would boost moral and help with personal” to: “would boost morale and help with personal”.

Mr. Kydes stated that on page 26, the motion read as follows:

“\*\* THE MOTION TO APPROVE THE PROPOSED LIVING WAGE ORDINANCE PASSED WITH EIGHT IN FAVOR (COFFEY, PORUBAN, GRANT, BOLDEN, HILLARD, BONDI, BRIGGS AND KRUMMEL), THREE AGAINST (MIKLAVE, HEMPSTEAD, AND STRANITI) AND THREE ABSTENTIONS (ROMANO, KYDES, AND MCQUAID).”

Mr. Kydes asked if there was a way that he could change his vote from an abstention to a vote against the measure. Atty. Nolin informed Mr. Kydes that he could make a statement in the minutes for the record that he wished his vote to be changed, but that actual vote must remain as it was recorded. Mr. Kydes then stated for the record that he wish to announce that after due consideration, he was changing his vote for the living wage from an abstention to a vote against the proposal. This was so noted.

\*\* THE MOTION TO APPROVE THE MINUTES OF THE JANUARY 9, 2007 MINUTES AS CORRECTED PASSED WITH FOURTEEN IN FAVOR (COFFEY, PORUBAN, HILLARD, KYDES, STRANITI, KRUMMEL, BOLDEN, MIKLAVE, ROMANO, BONDI, HEMPSTEAD, BRIGGS, GRANT AND MCQUAID) AND ONE ABSTENTION (SUTTON).

### III. PUBLIC PARTICIPATION

The Mayor then opened the public participation portion of the meeting at 8:10 p.m.

Mr. David Davidson of 16 Bettmarlee Road addressed the Council first. He stated that he would like to congratulate Jim Hazelcamp and the Personnel Committee for the work that was done on the Pay for Performance program, which will affect ordinance list employees. It took several years to have this issue addressed. He also commended the Personnel Committee for their work as a Committee of the Common Council and adhering to the concept of preparing a proposal, presenting it for public comment and then addressing those comments with thoughtful consideration before sending the proposal to the Council. Mr. Davidson urged the members of the Council to support the proposal when presented later in the agenda.

Ms. Gail Wall, who resides at 19 Partrick Avenue, addressed the Council next regarding the Recreation and Park Committee proposal, which was listed as Agenda Item D-4. “Authorize the Mayor, Richard A. Moccia to enter into an agreement with DMG and Associates, LLC, Jazz Production for the use of Veterans Park for the Norwalk Annual Jazz Festival to be held on Saturday, June 23, 2007 with a rain date of Sunday, June 24, 2007. Estimated attendance 10,000+. Set-up to take place Wednesday, June 20, 2007 and tear down by Tuesday, June 26, 2007, 12:00 noon.”

Ms. Wall stated that being from New Orleans, she thought a jazz festival in Norwalk would be wonderful. However, she pointed out that DMG and Associates, LLC, Jazz Production, was the business owned by Council Member Herbert Grant. Ms. Wall stated that she assumed that the Council had been apprized of the full cost benefit analysis of the festival. She wondered how the Council could approve the jazz festival without this and then stated that if there was indeed a full cost analysis, it should be made available for the residents of Norwalk to evaluate. Ms. Wall felt that this would be absolutely imperative so that there would be total transparency and no conflict of interest. This would allow Norwalk to maintain an open and honest government. Ms. Wall stated that as the Council reviewed the agreement, she hoped that there would be no questions regarding the contracts.

The Mayor then asked if there were any additional members of the public present who wished to speak. Hearing none, the Mayor then closed the Public Participation portion of the meeting at 8:14 p.m.

#### IV. MAYOR

##### A. RESIGNATIONS AND APPOINTMENTS

Resignations: None

Appointments: D. Seeley Hubbard – Conservation Commission

**\*\* MR. KRUMMEL MOVED TO APPROVE THE APPOINTMENT OF D. SEELEY HUBBARD TO THE CONSERVATION COMMISSION.**

Mr. Krummel stated that he believed Mr. Hubbard to be an outstanding candidate and commended the Mayor for appointing Mr. Hubbard, who is currently serving as a Conservation Commission alternate. Mr. Krummel said that he would also like to comment on the Commissioner who was retiring. The Mayor commented that this was fine as long as it was understood that Ms. Marney Smith voluntarily decided not to ask for reappointment. Mr. Krummel stated that he had verified this previously. The Mayor said that it was important to state it so that the public would be aware of it. He stated that Ms. Smith had done a tremendous amount of work for the benefit of the community. She is currently the president of the Norwalk Land Trust. Mr. Krummel said that he was confident that Mr. Hubbard would continue to carry on the work that Ms. Smith had begun. Mr. Krummel stated that Mr. Hubbard is currently an alternate, but that he had been a regular up until January of last year, when he was not reappointed to the position. Mr. Krummel said that this appointment was a very wise choice and thanked the Mayor for it.

Council President Coffey also commented that one of the projects he had been working on involved the Conservation Commission. Mr. Hubbard had worked with Council President Coffey on drafting a conservation easement and was a tremendous help in preserving 10 acres of open space in Rowayton.

**\*\* THE MOTION TO APPOINT D. SEELEY HUBBARD TO THE CONSERVATION COMMISSION PASSED UNANIMOUSLY.**

Reappointment: None

## **B. REMARKS**

The Mayor stated that he would be leaving Norwalk early the next morning to attend a three day conference for mayors in Washington D.C. During his absence, the department heads have a means of contacting the Mayor in case of emergency; however, if the Mayor is unreachable, Council President Coffey will serve in the Mayor's absence in emergency situations. The Mayor pointed out that in view of the recent weapons seizure that took place in Norwalk, it is important for the public to know that there are procedures in place. These procedures did work during the weapons seizure, which involved the FBI, ATB, the State Police, the Fire Department, the Stamford bomb squad, Metro North, and the Norwalk Police Department.

Mayor Moccia then commented that regarding the DMG contract, in December 1, 2006 an article was in the Advocate which stated that the Festival use of Veteran's Park would require the approval of the Common Council Recreation and Park's Cultural Affairs Committee, on which Mr. Grant serves and the full Council. Mr. Grant stated that he would not attend the meetings to avoid a conflict of interest. By not attending the meeting, or at meeting where he was in attendance, Mr. Grant would recuse himself. Mr. Grant so notified the City Clerk of this, in compliance with City Charter. Norwalk's government is open and honest and will continue to be so. Mr. Grant has fulfilled these requirements, as have other members of the Council on both sides of the aisle have when there was the slightest appearance of conflict of interest. Mr. Grant is aware of the situation, as the Council and the Mayor.

## **V. COUNCIL PRESIDENT**

### **A. GENERAL COUNCIL BUSINESS**

Council President Coffey thanked those who attended the bipartisan meeting earlier in the evening. He stated that there will be another bipartisan meeting next month, which Mr. Kydes has offered to cater.

### **B. CONSENT CALENDAR:**

Council President Coffey stated that there was a revision to the agenda and that the following item:

### **E. PUBLIC WORKS COMMITTEE**

1. Authorize the initiation of eminent domain/condemnation proceedings for purposes of obtaining an easement for the Norwalk Transit District Pulse Point Improvement Project on Burnell Boulevard.

had been removed from the agenda, which changed assigned agenda item number for the Personnel Committee from "F. PERSONNEL COMMITTEE" to "E. PERSONNEL COMMITTEE"

\*\* MR. KYDES MOVED THE FOLLOWING ITEMS ON THE CONSENT CALENDAR FOR APPROVAL:

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

2. APPROVE REQUEST FOR THE INSTALLATION OF STREET LIGHTING AT SEIR HILL RD FROM OAKWOOD AVE.

B. FINANCE COMMITTEE

2. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED DECEMBER 31, 2006.

3. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED JANUARY 11, 2007.

4. ENVIRONMENTAL CONSULTING SERVICES FOR THE OLD POLICE STATION.

A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AGREEMENT WITH BROOKS LABORATORIES, INC. TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE OLD POLICE STATION, FOR A TOTAL NOT TO EXCEED \$8,145.00 (ACCOUNT # 090-64021-5777-C0368)

B. AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON CONTRACT FOR A TOTAL NOT TO EXCEED \$2,000.00.

5. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH INNOVATIVE INTERFACES INC., FOR THE RENEWAL OF THE AUTOMATED LIBRARY MANAGEMENT SYSTEM HARDWARE AND SOFTWARE MAINTENANCE AGREEMENT. THE AMENDMENT PERIOD AND COST SHALL BE AS FOLLOWS: 7/1/07 – 6/30/08: \$33,204.00; 7/1/08 – 6/30/09: \$35,040.00; 7/1/09 – 6/30/10: \$36,792.00. ACCOUNT # 010600-5269.

6. RECEIVE MANAGEMENT LETTER FOR THE YEAR ENDED JUNE 30, 2006.

7. RECEIVE FEDERAL AND STATE FINANCIAL AND COMPLIANCE REPORT FOR THE YEAR ENDED JUNE 30, 2006.

8. RECEIVE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2006.

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE VETERINARY ONCOLOGY AND HEMATOLOGY CENTER FOR SMOKEY'S DAY TO BE HELD IN TAYLOR FARM ON SUNDAY, SEPTEMBER 16, 2007 FROM 11:30 AM – 4:00PM. ESTIMATED ATTENDANCE 400. SET-UP TO TAKE PLACE ON SATURDAY, SEPTEMBER 15, 2007 AFTER 1:00PM AND BREAK DOWN ON MONDAY, SEPTEMBER 17, 2007 BEFORE 12:00PM.

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF NORWALK AND FLOTILLA 72 CORPORATION, A/K/A UNITED STATES COAST GUARD AUXILIARY'S USE OF CALF PASTURE BEACH FOR THE COAST GUARD AUXILIARY OPERATIONS, FOR A TERM OF 2 YEARS FROM THE 1ST DAY OF OCTOBER 2006 THROUGH SEPTEMBER 30, 2008.

E. PERSONNEL COMMITTEE

2. APPROVE THE ATTACHED JOB DESCRIPTIONS FOR THE POSITIONS OF HUMAN RESOURCE ASSISTANT AND DATABASE ADMINISTRATOR.

\*\* THE MOTION PASSED UNANIMOUSLY.

The following items were moved from the consent calendar for discussion:

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Pacheco Ross Architects, P.C. for a Focused Assessment of Specific Aspects of the Fire Department study for an amount of \$66,250.00" Acct # 09-06-3110-5777 C0343."

\*\* REV. BOLDEN MOVED TO APPROVE THE AUTHORIZATION OF THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH PACHECO ROSS ARCHITECTS, P.C. FOR A FOCUSED ASSESSMENT OF SPECIFIC ASPECTS OF THE FIRE DEPARTMENT STUDY FOR AN AMOUNT OF \$66,250.00" ACCT # 09-06-3110-5777 C0343.

Fire Chief McCarthy came to the podium to answer questions from the Council. Chief McCarthy gave an overall view of the two parcels that the City owns; one where the current Volk fire station is located at 121 Connecticut Avenue and the second parcel located at 100 Fairfield Avenue, where the former Wheels bus garage was. Chief McCarthy informed the Council that after extensive research, the study had four

recommendations. One was to sell the parcel at 121 Connecticut, the second to build a station at 100 Fairfield Avenue. Another recommendation was to build a substation in the Cranbury section of Norwalk and also to study the station location pattern.

Chief McCarthy explained that Volk Station must be kept functional until the new building was completed. He stated that he knew it was important to use the money wisely, which is why a consultant was called in.

Council President Coffey thanked the members of the Fire Commission. He stated that the last study was poorly planned, but now this study was moving in the right direction.

Mr. Poruban stated that he was in favor of the study. He stated that there had been some concerns about the location of both the Police Department and the Fire Department in the event of an attack. He stated that it would be important to have a back up location.

Mr. McQuaid said that after evaluating the situation and that he agrees with Mr. Poruban regarding having a back up location.

Mr. Hempstead stated that this had been a cooperative effort. The process moved smoothly with excellent results. The final two bidders were both excellent companies. Mr. Hempstead stated that the location will be a problem, but the area needs coverage.

Rev. Bolden reported that she had toured the Connecticut Avenue station and the garage. She said that the mechanics do complex repairs, but are working under poor conditions. She also stated that the mechanics working for the Norwalk Fire Department were the best in the state.

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

Mr. Miklave recused himself for the next item on the agenda.

#### B. FINANCE COMMITTEE

1. Accept and Approve the Report of the claims Committee Dated January 11, 2007.

**\*\* COUNCIL PRESIDENT COFFEY MOVED TO ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED JANUARY 11, 2007.**

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

Mr. Miklave rejoined the meeting following the vote.

#### C. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. Authorize the Purchasing Agent to issue Purchase Orders to Adtech Systems, Inc. for the purchase of multi-media carts for the Board of Education for a total not to exceed \$91,000.00. Acct. #09075010 5777 C0112.



**\*\* MR. SUTTON MOVED TO APPROVE THE AUTHORIZATION OF THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO ADTECH SYSTEMS, INC. FOR THE PURCHASE OF MULTI-MEDIA CARTS FOR THE BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED \$91,000.00. ACCT. #09075010 5777 C0112.**

Mr. Valenzisi presented the request. Mr. Bondi pointed the support listing indicated that there would be five multi-media carts at the Central Office. Mr. Valenzisi stated that this was an error, the Central Office only needed one. Following a discussion, it was determined that the total number of multi-media carts that were needed would be reduced from 40 to 36 and the total cost would be reduced from \$91,000.00 to \$81,900.00.

**\*\* MR. BONDI MOVED TO AMEND THE AUTHORIZATION OF THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO ADTECH SYSTEMS, INC. FOR THE PURCHASE OF 36 MULTI-MEDIA CARTS FOR THE BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED \$81,900.00. ACCT. #09075010 5777 C0112**

**\*\* THE MOTION TO AMEND AGENDA ITEM C-1 AS ABOVE PASSED UNANIMOUSLY.**

**\*\* MR. KYDES MOVED TO APPROVE THE ITEM AS AMENDED.**

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

2. Authorize the Purchasing Agent to issue Purchase Orders to Dell Computers for the purchase of laptop and desktop PCs for the Board of Education for a total not to exceed \$233,808.50. Acct. #09075010 5777 C0112.

**\*\* MR. SUTTON MOVED TO APPROVE THE AUTHORIZATION OF THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO DELL COMPUTERS FOR THE PURCHASE OF LAPTOP AND DESKTOP PCS FOR THE BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED \$233,808.50. Acct. #09075010 5777 C0112.**

Mr. McQuaid asked Mr. Valenzisi for a breakdown of the various components. Mr. Grant asked what the fifty desktop computers would be. Mr. Valenzisi explained those were for the schools that already had computer labs. He also explained that the school was purchasing managed computers, which are the corporate versions. Council President Coffey and Rev. Bolden both had questions about the itemized quotation, which Mr. Valenzisi answered. A discussion about the computer needs of the various schools followed.

**\*\* MR. HEMPSTEAD MOVED TO TABLE THE AUTHORIZATION OF THE PURCHASING AGENT TO ISSUE PURCHASE ORDERS TO DELL COMPUTERS FOR THE PURCHASE OF LAPTOP AND DESKTOP PCS FOR THE BOARD OF EDUCATION FOR A TOTAL NOT TO EXCEED \$233,808.50. Acct. #09075010 5777 C0112. PENDING FURTHER INFORMATION.**

**\*\* THE MOTION TO TABLE PASSED WITH NINE IN FAVOR, (KRUMMEL, COFFEY, BONDI, GRANT, HILLARD, ROMANO, KYDES, STRANITI, AND HEMPSTEAD) AND SIX AGAINST (PORUBAN, MIKLAVE, BRIGGS, SUTTON, BOLDEN AND MCQUAID).**

#### **D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE**

1. Approve the use of parking in Witch Park by Shakespeare on the Sound for their Annual event in Pinkney Park to be held from Friday, June 15, 2007 through Sunday, July 1, 2007. Parking for 75 vehicles each evening. (Committee amended to 50 cars and \$1,000 bond for damages. If over 50 cars on grounds on any given evening, lot will close for remainder of event.)

**\*\* MR. BONDI MOVED TO APPROVE AGENDA ITEM D-1 AS AMENDED BY THE COMMITTEE AS FOLLOWS:**

**APPROVE THE USE OF PARKING IN WITCH PARK BY SHAKESPEARE ON THE SOUND FOR THEIR ANNUAL EVENT IN PINKNEY PARK TO BE HELD FROM FRIDAY, JUNE 15, 2007 THROUGH SUNDAY, JULY 1, 2007. PARKING FOR 50 VEHICLES EACH EVENING WITH A \$1,000 BOND FOR DAMAGES. IF OVER 50 CARS ON GROUNDS ON ANY GIVEN EVENING, LOT WILL CLOSE FOR REMAINDER OF EVENT.**

Mr. Hempstead asked why the parking was being limited to only 50 vehicles rather than 75. Mr. Mocciaie, the Recreation and Parks Director, explained that Pinkney Park was being preserved as green space. The festival runs for two weeks and there are sixteen performances. Mr. Kydes asked how the parking would be enforced. Mr. Mocciaie replied that there would be a roped off area. Mr. Bondi suggested that the parking be done at the schools and the public be transported to the site via bus shuttles. Ms. Briggs said that as a Rowayton resident, she knows that people will park wherever they can and stated that there are always over 100 cars parked in the area at each performance. However, she pointed out that the Rowayton residents are happy with the Shakespeare on the Sound festival.

Mr. Miklave stated that the effort to protect the green space gave an attitude of punishment and went on to say that this festival was an extraordinary event. Mr. Miklave stated that if the Council was trying to send a message, it had been received and therefore he would vote against this measure.

Rev. Bolden stated that she was open to the idea of shuttle buses and would vote in favor of the amendment.

Mr. Hempstead stated that he was not in favor of the amendment.

Mr. Bondi stated that there are neighbors who object to having vehicles parked in Pinkney Park and they have objected to not only the parking during the festival, but also objected to the church using the area for overflow parking for six Sundays a year.

**\*\* THE MOTION ON THE AMENDED ITEM PASSED WITH EIGHT IN FAVOR (COFFEY, HILLARD, KYDES, BOLDEN, ROMANO, BONDI, GRANT AND MCQUAID) AND SEVEN AGAINST (MIKLAVE, PORUBAN, SUTTON, HEMPSTEAD, STRANITI, BRIGGS AND KRUMMEL).**

Mr. Grant and Mr. Hempstead both recused themselves for the next agenda item.

4. Authorize the Mayor, Richard A. Moccia to enter into an agreement with DMG and Associates, LLC, Jazz Production for the use of Veterans Park for the Norwalk Annual Jazz Festival to be held on Saturday, June 23, 2007 with a rain date of Sunday, June 24, 2007. Estimated attendance 10,000+. Set-up to take place Wednesday, June 20, 2007 and tear down by Tuesday, June 26, 2007, 12:00 noon.

**\*\* MR. BONDI MOVED TO APPROVE THE AUTHORIZATION OF THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH DMG AND ASSOCIATES, LLC, JAZZ PRODUCTION FOR THE USE OF VETERANS PARK FOR THE NORWALK ANNUAL JAZZ FESTIVAL TO BE HELD ON SATURDAY, JUNE 23, 2007 WITH A RAIN DATE OF SUNDAY, JUNE 24, 2007. ESTIMATED ATTENDANCE 10,000+. SET-UP TO TAKE PLACE WEDNESDAY, JUNE 20, 2007 AND TEAR DOWN BY TUESDAY, JUNE 26, 2007, 12:00 NOON.**

Mr. Bondi commented that he thought this would be great for the City and said that it would be like the Jackie Robinson Jazz Festival. Mr. Bondi then went on to state that Mr. Grant had received no special consideration in this matter and that there would be no cost to the City. This proposal was basically just permission to use Veteran's Park for the festival.

Mayor Moccia stated that Mr. Grant's wife, Brenda, was present and asked Mrs. Grant if she would come to the podium to answer any questions that the Council might have. Mr. Poruban then asked if alcohol beverages would be involved. Mrs. Grant replied that they would not. Mr. Poruban then asked how the funds were being raised for this festival. Ms. Grant replied that there were a number of sources. Mr. Poruban then went on to say that he was concerned about Mr. Grant being a Council member and later bringing pressure to bear on the Council.

Mr. McQuaid asked Corporation Counsel if he felt there was a conflict of interest. Atty. Nolin replied that there was not a conflict of interest. He then asked Mrs. Grant if DMG had done concerts like this in the past. Mrs. Grant said they had.

Mr. Kydes asked Mrs. Grant how long the company had been involved in music. Mrs. Grant replied that it was since 2003. Mr. Kydes then asked Mrs. Grant what the main

reason for scheduling this festival was. Mrs. Grant replied that it was because the area lacked jazz.

Mr. Krummel stated that the Code of Ethics 34b stated that Mr. Grant should have filed at least seven days prior to the contract signing. Mr. Krummel then asked Atty. Nolin if such notice had been filed. Atty. Nolin replied that Mr. Grant had indeed filed notice at the City Clerk's Office as required and also pointed out that all Council actions do not take effect for 10 days. Therefore, Mr. Grant had filed in advance of the contract signing. Mr. Krummel also had some concerns about the cost to the City. Mr. Bondi restated that there would be no cost to the City.

Mr. Miklave then stated that he had some concerns about the use of public space for private events. He claimed that this type of usage deprives the public of access to the parks. Mr. Miklave also expressed concerns about a public official being directly involved with the event. He stated that many Ethic Ordinances ban public officials from doing business with the City. Mr. Miklave stated that this was a hopeless conflict, but that he would defer to Atty. Nolin's ethical ruling. He stated that he felt the City should not operate at the lowest common denominator but the highest ethical standard.

#### RECESS

Council President Coffey called a recess at 9:45 p.m. The meeting reconvened at 9:52 p.m.

**\*\* MR. MCQUAID CALLED THE QUESTION.**

**\*\* THE MOTION PASSED WITH EIGHT IN FAVOR (COFFEY, HILLARD, KYDES, STRANITI, BOLDEN, ROMANO, BONDI, AND MCQUAID) AND FIVE AGAINST (MIKLAVE, PORUBAN, SUTTON, BRIGGS AND KRUMMEL).**

**\*\* THE MOTION TO APPROVE THE AUTHORIZATION OF THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH DMG AND ASSOCIATES, LLC, JAZZ PRODUCTION FOR THE USE OF VETERANS PARK FOR THE NORWALK ANNUAL JAZZ FESTIVAL TO BE HELD ON SATURDAY, JUNE 23, 2007 WITH A RAIN DATE OF SUNDAY, JUNE 24, 2007. ESTIMATED ATTENDANCE 10,000+. SET-UP TO TAKE PLACE WEDNESDAY, JUNE 20, 2007 AND TEAR DOWN BY TUESDAY, JUNE 26, 2007, 12:00 NOON PASSED WITH EIGHT IN FAVOR (COFFEY, HILLARD, KYDES, STRANITI, BOLDEN, ROMANO, BONDI, AND MCQUAID) AND FIVE AGAINST ( MIKLAVE, PORUBAN, SUTTON, BRIGGS AND KRUMMEL).**

Mr. Grant and Mr. Hempstead rejoined the meeting following the vote.

5. Technical correction (Date – additional day June 19, 2007). Authorize the Mayor, Richard A. Moccia to enter into an agreement with Sea Fair "The Fine Art" Yacht) to use the visitors dock in Veterans Park for a (6-day period from June 19th through June 24th, 2007) to host their Floating Art Gallery. Estimated attendance 2,000.

Mr. Krummel stated that his question regarding details of this proposal had been answered during the recess and he had no further questions.

**\*\* MR. BONDI MOVED TO APPROVE THE TECHNICAL CORRECTION (DATE – ADDITIONAL DAY JUNE 19, 2007). AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH SEA FAIR “THE FINE ART” YACHT) TO USE THE VISITORS DOCK IN VETERANS PARK FOR A (6-DAY PERIOD FROM JUNE 19TH THROUGH JUNE 24TH, 2007) TO HOST THEIR FLOATING ART GALLERY. ESTIMATED ATTENDANCE 2,000.**

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

#### E. PERSONNEL COMMITTEE

1. Approve and adopt the Comprehensive Pay Plan, Performance and Merit Increase Program for Elected, Ordinance and non-Union Employees.”

**\*\* MR. GRANT MOVED TO APPROVE AND ADOPT THE “COMPREHENSIVE PAY PLAN, PERFORMANCE AND MERIT INCREASE PROGRAM FOR ELECTED, ORDINANCE AND NON-UNION EMPLOYEES.”**

Council President Coffey stated that he applauded Mr. Grant and Mr. Hazelcamp for their hard work on this Merit Program. Rev. Bolden and Mr. Hempstead also thanked Mr. Grant and Mr. Hazelcamp for their work.

Mr. Miklave stated that he believed the plan is flawed on a philosophical level. He stated that the performance appraisals, which this plan replaces had been carefully crafted with the intentional decision not to have punitive measures in the performance reviews. He then stated that he would vote against the plan.

Ms. Romano stated that in her working career, her job raises have always been merit raises. She stated that everyone needs to be accountable.

Mr. Kydes commented that it was about time that Norwalk started using business practices to run the City. He stated that he was happy that the City was following the free market place.

Mr. Poruban stated that Baltimore uses statistically based increases for their for elected, Ordinance and non-Union Employees.

Mr. Hillard stated that this issue had been difficult for the Council and that he was glad to see that the City now has a road map. Mr. Miklave disagreed, saying that there had been a comprehensive performance plan, which was state of the art.

Ms. Straniti said she applauded Mr. Grant for the hard work. Last year, she voted for the performance plan knowing this new program would be coming.

Mr. Bondi commented that the City had a check off list and all the reviews tend to be identical. The previous plan had never been implemented. He concluded his statement by saying that this plan needed a chance. Rev. Bolden agreed and said she would vote for the proposal.

Mayor Moccia then addressed the Council, saying that there is no perfect system and that this plan will need tweaking. He also informed the Council that he had tried the performance evaluation for two months. The Mayor said that he intends to do the best he can with the new program.

\*\* THE MOTION PASSED WITH ELEVEN IN FAVOR ( COFFEY, HILLARD, KYDES, STRANITI, BOLDEN, ROMANO, BONDI, HEMPSTEAD, BRIGGS, GRANT AND MCQUAID) AND FOUR AGAINST (KRUMMEL, PORUBAN, MIKLAVE AND SUTTON).

#### VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no additional resolutions at this time.

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

There were no additional motions to be addressed at this time.

#### X. SUSPENSION OF THE RULES

There were no suspensions of the rules to be considered.

#### XI. ADJOURNMENT

\*\* MR. HEMPSTEAD MOVED TO ADJOURN THE MEETING.

\*\* THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Service