

Common Council Actions

FEBRUARY 27, 2007

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.

NORWALK, CONNECTICUT 8:00 P.M. EST COUNCIL CHAMBERS

Mayor Moccia called the meeting to order at 8:08 p.m. and led the Assembly in reciting the Pledge of Allegiance. Mayor Moccia requested a moment of silence to acknowledge the passing of Miss Crystal Mann, the beloved daughter of former councilmember and State Representative, Joseph Mann.

I. ROLL CALL

Michael Coffey Carvin Hilliard
Matthew Miklave Fred Bondi
Joanne Romano Nicholas Kydes
Douglas Sutton Douglas Hempstead
Herbert Grant Kelly Straniti
Richard McQuaid Gwen Briggs
Rev. Phyllis Bolden William Krummel

At roll call there were fifteen (15) members present.

II. ACCEPTANCE OF MINUTES

Regular meeting – February 13, 2007

** MR. KYDES MOVED TO ACCEPT THE MINUTES AS PRESENTED

** MOTION PASSED UNANIMOUSLY

III. PUBLIC PARTICIPATION

Mayor Moccia reminded those wishing to speak that there was a three minute limit. However, he said that he would permit Dr. Corda to go beyond the three minute limit.

Ms. Diane Cece, Olmstead Place, spoke in support of the DPW's request for flooding remediation.

Mr. Jack Chiaramonte, Cricklewood Lane, spoke in favor of the informal bi-partisan forums.

Ms. Dana Moore, Overbook Road, spoke in support of the Board of Education's budget request.

Ms. Donna Rastocky, Olmstead Place, asked that funding to fix the infrastructure be moved to the top of the priority list.

Mr. John Lombardi, William Street, urged the Common Council to take a look at the proposed budget and not allow a 4% tax increase.

Ms. Anne Passarelli, Ellen Street urged the Common Council to reconsider the education budget cut.

Dr. Sal Corda, Superintendent of Norwalk Public Schools, explained the budget request submitted by the Board of Education. He provided recommendations on where to reduce the budget and outlined the impact of those reductions.

Dr. Lynne Moore, Principal, West Rocks Middle School, spoke in support of the Board of Education's budget and urged the Common Council to restore the \$6 million dollar reduction.

Ms. Maggie Peterson, Gwendolyn Street, spoke about the devastation the flooding has caused her. She said that she did not want to see a reduction of teachers in the schools, but said that each child deserves to live in a home without sewage.

Ms. Sally Cordovano, Highland Avenue, urged the Common Council to fully fund the Board of Education's requested budget. She said that reducing the budget would destroy the public school system.

Ms. Lynn Massey, Meeker Court said that the school system desperately needs the \$6.2 million.

Mr. Jeffrey Hall, Strawberry Hill Avenue, said that if the Board of Education gets the funding they want, they will spend it on what they value – the administration and to keep the teachers union well fed.

Mr. Larry Ruttenberg, Buckingham Place, urged the Common Council to fully fund all requests for flooding remediation.

Mr. James Minnich, asked that the flooding problems be fixed first.

Mr. Ted Coppola, Olmstead Place, said that the flooding is a large financial burden. He asked for the flooding problems to be fixed.

Mr. Joseph Beggen, Pumpkin Lane, said that which budget is approved will determine if he and his family will stay in town. He said that he was offended by Dr. Corda's threats to make cuts that will affect the students without making cuts at the central office.

Mr. Maulik Thakker, Buckingham Place spoke in support of those residents whose homes have flooded.

There were no other members of the public who wished to speak.

IV.MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: There were no resignations.

Appointments: Carol Frank – Housing Partnership Commission

**** MR. KYDES MOVED TO APPROVE THE APPOINTMENT OF CAROL FRANK TO THE HOUSING PARTNERSHIP COMMISSION**

**** MOTION PASSED UNANIMOUSLY**

**** MR. MCQUAID MOVED TO APPOINT MS. STRANITI AS THE COMMON COUNCIL'S REPRESENTATIVE ON THE HOUSING PARTNERSHIP COMMISSION**

Mr. Miklave pointed out that this item was not on the agenda. Mr. Nolin suggested adding this item to the next agenda.

Mr. McQuaid withdrew his motion.

Reappointment: Richard Bartoli – Building Board of Appeals Commission

**** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF RICHARD BARTOLI TO THE BUILDING BOARD OF APPEALS COMMISSION**

**** MOTION PASSED UNANIMOUSLY**

B. REMARKS

Mayor Moccia thanked everyone who had come out to speak about the budget.

V.COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Mr. Coffey did not have any specific comments.

B. CONSENT CALENDAR:

**** MR. COFFEY MOVED THE FOLLOWING CONSENT CALENDAR**

VI A1; VII B1, VII B2, VII B3a, VII B3b, VII B4a, VII B4b, VII B5a, VII B5b, VII C1, VII C2a, VII C2b, VII C3, VII C4a, VII C4b, VII C5, VII D1, VII D2, (at this point Mr. Coffey noted that the difference on the Agenda was that VII D2 was down as VII E2, and should not have been under Public Works but on Health & Welfare. He then listed VII E1 as the last item.)

Mayor Moccia called for a motion to approve the consent calendar; Mr. Miklave asked to remove 2 items from the consent calendar: Item VII C1 (Facility & rental fees) and VII D2 (Installation of video cameras)

Mayor called for the items to be removed and called for a motion for the remaining. Mr. Kydes moved; all were in favor. Mr. Coffey called for a 5 minute recess.

Mayor called the meeting to order; Mr. Nolin noted the consent calendar wasn't voted on and that a recess was called before they voted. Mayor asked for a motion to approve the consent calendar. It was noted that Mr. Kydes made it (the motion) before.

Mr. Krummel said he wanted confirmation of item 7 E1 and asked if it was on or off the consent calendar. Mr. Coffey said it was off. The Mayor echoed this and said that Public Works was off consent.

The Mayor called for a final vote for consent calendar. All in favor; none opposed.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE AND TAXATION

1. RESOLVED, that a sum not to exceed \$75,000 be and the same is hereby transferred from Contingency to the Department of Public Works to pay for Tree Maintenance and Removal. (Account No. 01- 4029-5298).

B. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. Authorize the Purchasing Agent to issue Purchase Orders to CDWG for the purchase of digital cameras and accessory equipment for the Board of Education for a total not to exceed \$22,239.65.

Acct. #09075010 5777 C0112

2. Authorize the Purchasing Agent to issue Purchase Order(s) to Dell Computer Corporation for PCs and software for Norwalk High School for a total not to exceed \$22,266.50. Acct. #09075010 5777 C0112

3a. Increase contingency allowance for AAIS Corp. of West Haven CT's asbestos abatement contract for the Nathaniel Ely Center Improvement Project, for an additional amount of \$30,000. Account #09064074-5777-C0346

3b. Authorize the NFCC to issue change orders on contract for a total not to exceed the Contingency Allowance.

4a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Hygenix, Inc. to provide environmental engineering services for the Ben Franklin Center for a total not to exceed \$5,500.00. Acct. #09057100 5777 C0322

4b. Authorize the Office of Building Management to issue change orders on contract for additional environmental engineering services for a total not to exceed \$1,200.

5a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Southport Associates Group, Inc. to provide electrical engineering services to prepare an electrical needs assessment report for the City IT Server Room and Board of Education IT Server Room. The total fee shall be for a total not to exceed \$9,700. Acct. City IT Capital 09070600-5777-C0375 and Bd of Ed Operating 1-58-2223-0-430-58

5b. Authorize the Office of Building Management to approve additional services for a total not to exceed \$1,500.

C. RECREATION, PARK & CULTURAL AFFAIRS COMMITTEE

2a. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk Exchange Club for the use of Taylor Farm for their Annual Car show to be held on Sunday, April 29, 2007 with a rain date of Sunday, May 6, 2007. Set-up at 12:00pm on Thursday, April 26, 2007 with break down by 12:00pm on Monday, April 30, 2007. Estimated attendance 1,500.

2b. Approve the use of the Show mobile by the Norwalk Exchange Club for their Annual Car Show to be held on Sunday, April 29, 2007 with a rain date of Sunday, May 6, 2007.

3. Approve the use of the Show Mobile by St. Ann's Club for their Annual Festival to be held Friday, July 27, 2007, Saturday, July 28, 2007 and Sunday, July 29, 2007.

4a. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Alzheimer's Association, CT Chapter for the use of Calf Pasture Beach for their Annual Walkathon to be held on Sunday, October 7, 2007 from 7:30am – 2:00pm. Estimated attendance 300.

4b. Approve the use of the Show Mobile by the Alzheimer's Association, CT Chapter for their Annual Walkathon to be held Sunday, October 7, 2007.

5. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Rowayton School PTA for the use of the Rowayton School Grounds for their annual Carnival to be held Friday, April 27, 2007 from 5:30 pm – 10:00pm and Saturday, April 28, 2007 from 11:00am – 6:00pm with a rain date of Sunday, April 29, 2007. Set-up will begin on

Wednesday, April 25, 2007 with a tear down by Monday, April 30, 2007. Estimated attendance 300.

D. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

Authorize the Mayor, Richard A Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary for the provision of public health services to the Town of New Canaan for the period March 1, 2007 to June 30, 2008

Mr. Coffey called for a recess at 9:17 p.m.

The meeting resumed at 9:28 p.m.

**** MOTION TO ACCEPT THE CONSENT CALENDAR PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

**** MR. HILLIARD MOVED THE FOLLOWING RESOLUTION**

1. WHEREAS, Section I-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, 2007, shall be no more than \$246,367,103. This appropriation cap represents total expenditures of \$262,559,310, less estimated intergovernmental grants of \$16,192,207.

Be it further resolved that the result of this vote and resolution, together with the attached 2007-08 Budget Guide, be forwarded by the Clerk of the City of Norwalk to the Board of Estimate and Taxation.

Finance Committee Recommended:

Finance Director's Recommended Expenditures \$264,559,310

Less:

Education 954,000

Rest of City 1,046,000

Subtotal – Expenditures 262,559,310

Less: Intergovernmental Grants 16,192,207
Finance Recommended Appropriations Cap \$246,367,103

Mr. Miklave said that the Common Council has the unique responsibility of setting a total cap. He said that the Council's authority does not include the line by line authority of how the money will be spent; that is the responsibility of the Board of Estimate and Taxation.

Mr. Miklave said that he believed that the Board of Education's budget is reasonable and appropriate and that the Superintendent has gone to great lengths to do whatever necessary to fund a complex school system. He said that he did not believe the proposed cuts were appropriate or rational. Mr. Miklave added that government officials got increases, including the Mayor.

Mr. Miklave said that they are bleeding the school system. Norwalk requires a first rate school system and that if he believed there was fat in the Board of Education's budget he would not propose an amendment to the resolution.

**** MR. MIKLAVE MOVED TO INCREASE THE BUDGET BY \$5.25 MILLION**

Mayor Moccia pointed out that he did not receive a raise. Mr. Miklave said that the raise would go into effect after the next election.

**** MOTION FAILED WITH THREE (3) IN FAVOR (MR. MIKLAVE; MR. PORUBAN AND MR. SUTTON) AND TWELVE (12) OPPOSED (MR. COFFEY; MS. ROMANO; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. KYDES; MR. HEMPSTEAD; MS. STRANITI; MS. BRIGGS AND MR. KRUMMEL**

Mr. Grant said that he has strong concerns because he represents the people who have experienced flooding in their homes. He said that he supports the vote to maintain the cap at the lower rate.

Mr. Coffey said that this is a very difficult decision for the Common Council to make. He said that they have an obligation to provide affordable government to the residents. The Common Council is committed to education, but the City side of the budget is shrinking.

Mr. Kydes said that he is for education, but the balance is one in which the needs of the City's infrastructure are being taken care of. He said that the citizens need to understand that this is a reduction of the increase that the Board of Education requested. He said that the Common Council is giving them an increase, but not as much as they want. Mr. Kydes questioned the value the City is getting in what is being spent in education. He said that they would be in favor of putting money into the classroom, but does not see that. He said that throwing money will not provide a solution. There needs to be a well balanced strategy. He reiterated that they are not taking money away from the Board of

Education, but are limiting the amount of the increase. Mr. Kydes said that they need to divert funds in order to fund the infrastructure of the City.

Mr. Hempstead said that this is about money that the taxpayers are being asked to ante up. He said that moving forward, he would love to see the flooding fixed, more money for education and funding for more Police officers. The City made an investment in the Board of Education. Mr. Hempstead said that he supports the cap and added that once the cap goes to the Board of Estimate and Taxation, they can ask the Common Council to increase the cap.

Mr. Bondi said that each year they put a lot of money in the Board of Education, but the schools are still not up to par. He said that he sees a lot of waste and noted that nothing was said about cutting the administration. He said that they get up to an 11% increase in pay, but you do not see that in the everyday world. Mr. Bondi said that every time the Board of Education is asked to tighten their belts they respond with scare tactics. He said that they should start looking to cut the administrators and not use consultants. Mr. Bondi said that he wants to keep money in the budget to fund the infrastructure repairs.

Mr. Krummel suggested funding two items under the DPW budget request. Mayor Moccia said that the Common Council does not have the authority to vote on line items. He suggested going before the Board of Estimate and Taxation with these comments.

Mr. McQuaid said that it was unfortunate that they did not have the opportunity to address each line item. He said that the Chair of the Board of Estimate and Taxation asked the Board of Education for information, but they have not provided that information. He said that the residents who have experienced flooding have worked hard to tell what they need. Mr. McQuaid said that he would hold to the cap.

Ms. Romano said that funding the education of children is important. She said that they get the same story every year that the Board of Education is going to cut everything if they are not fully funded. She said that they are only cutting the increase. Ms. Romano said that the infrastructure is terrible; she saw how the people are living and it is time to fix the infrastructure.

Mr. Miklave said that it was with great regret that he listened to this discussion. He said that he feels they have turned their backs on the Board of Education and that the language used demonstrates distrust. He said that none of the language was appropriate or accurate. Mr. Miklave said that he believes the Common Council has turned their back on the Board of Education and will not vote to approve the cap.

Mr. Coffey said that it was about what the taxpayers can and cannot afford. The person advocating an increased cap, did not show up at any of the meetings. Mr. Miklave said that the last two Finance Committee meetings called were special meetings and not held on the regular date and time. He said that one was held during the school vacation and the second at 6:00 p.m. He said that he works in New York City and sent an e-mail indicating that he would have to take a 4:00 p.m. train to arrive at the meeting on time. He said had

he been at those meetings, he would have voted to restore the Board of Education's budget.

Rev. Bolden thanked everyone for all of their comments. She said that she cares about what everyone had to say. She said that she received calls from people during the flood and those calls made her heart sink. She said that the school system needs to do more with what they have and that she will support the budget cap.

Ms. Straniti said that the budget is healthy and realistic. She said that she sits on the DPW Committee and the flooding victims have demonstrated their need. It is hard to understand how so much of the budget goes to the Board of Education and why it cost so much to educate each child. Ms. Straniti said that she will support the cap.

Mr. Hilliard in response to Mr. Miklave's comments said that the budget season is very busy. The Monday meeting was scheduled for 6:00 p.m. because that was the best time for the members and was well attended. He said that the Board of Education was not being singled out.

Mr. Kydes said that they were not turning their backs on the Board of Education. They get 55 – 65% of the total budget allocated to them. It is a lot of money and on top of that, he said that when he was on the Planning Commission, they asked the Board of Education for an analysis and for 12 years they did not supply that information. Mr. Kydes said that the City does not have the authority to monitor where the money goes. He said that he takes it as an affront for someone to say that they are turning their backs on the Board of Education.

Ms. Briggs said that the problems they are facing are the result of years of no spending. She said that last night she voted in favor of the cap, but after listening to the people on the school board and the flooding people, she will vote against the cap.

Mayor Moccia said that there are five union contracts that have not been settled and they all want an increase. He said that he sits on the Board of Estimate and Taxation and the buck stops with him. Mayor Moccia said that he had some concerns with priorities and said that he is committed to solving the flooding problem in the City. He noted that there were some instances of people with five feet of water in their homes.

A roll call vote was taken.

**** MOTION PASSED TO ACCEPT THE CAP AS PRESENTED WITH TEN (10) VOTES IN FAVOR (MR. COFFEY; MS. ROMANO; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. KYDES; MR. HEMPSTEAD AND MS. STRANITI) AND FIVE (5) VOTES IN OPPOSITION (MR. MIKLAVE; MR. PORUBAN; MR. SUTTON; MS. BRIGGS AND MR. KRUMMEL)**

A recess was taken at 10:25 p.m.

The meeting resumed at 10:39 p.m.

C. RECREATION, PARK & CULTURAL AFFAIRS COMMITTEE

** MR. BONDI MOVED TO APPROVE THE FOLLOWING ITEM

1. Approve the Department Facility and Rental Fees for 2007-2008 season.

** MOTION PASSED WITH TWO (2) VOTES IN OPPOSITION (MR. MIKLAVE AND MR. PORUBAN)

D. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

** REV. BOLDEN MOVED TO APPROVE THE FOLLOWING ITEM

2. Authorize the Mayor, Richard A. Moccia to enter into an agreement with DBO (Digital Back Office) to perform a “Wireless Extension of Fiber MAN” as outlined in the attached Proposal #07-27-065, with the cost not to exceed \$99,989.00.

Rev. Bolden said that Chief Rilling and Lt. Wrinn were present to answer any questions. Mr. Krummel said that he heard the presentation last week and said that it was important to understand constitutional rights.

Chief Rilling said that at the meeting last week, he made it very clear to the Committee members that he holds very dear each person’s constitutional right to privacy and will institute appropriate protocols.

Chief Rilling described the protocols that will be in place in the event it becomes necessary to use a portable unit. The cameras will not be used to look in any area that the Police are not authorized to look.

Chief Rilling said that he would have no problem holding an informational session with