

***Common Council Actions***

**APRIL 26, 2005**

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, April 26, 2005, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp called the meeting to order at 8:15 p.m. and led the assembly into the Pledge of Allegiance.

**I. ROLL CALL**

Betsy Bain Bruce Kimmel  
Kenneth Baker Richard McQuaid  
Fred Bondi Matthew Miklave  
Michael Coffey Jeanette Olmstead-Sawyer  
Carvin Hilliard Kevin Poruban  
Douglas Hempstead Douglas Sutton  
William Krummel Peter Wien  
Leona Williams (absent)

There were fourteen (14) members present at Roll Call.

Mayor Knopp said that Ms. Williams was ill tonight.

**II. ACCEPTANCE OF MINUTES**

**A. REGULAR MEETING – APRIL 12, 2005**

**\*\* MR. BONDI MOVED TO ACCEPT THE MINUTES**

Page 2: for clarification purposes, add Chief of the Norwalk Fire Department following, Denis McCarthy

**\*\* MOTION PASSED WITH TWO (2) ABSTENTIONS (MR. KRUMMEL AND MS. OLMSTEAD-SAWYER)**

**III. PUBLIC PARTICIPATION**

Mayor Knopp said that he recognized that there were overriding items going on in the City, and therefore would allow participants to speak about items not on the agenda. He asked that everyone keep their comments to three minutes.

Reverend Artimas said that no one was slighted here by not being invited. He said that they were here because they want the Mayor to know that they want to help. He asked what the Common Council was going to do to make this a Norwalk issue and not a South Norwalk issue.

Mayor Knopp replied that this portion of the meeting was for comments by the public. He said that he would make an announcement shortly.

Mark and Anne Kysik said that they want the Common Council to understand the issue, which is safety in the schools.

Mr. Kevin Dormfal said that he runs a youth group at the Church and was here to help. He added that the group was praying for everyone.

Mr. Joe Guida said that he was concerned about protecting kids going to and from school.

Mr. Joe Catino said that there is not enough security in the schools. He suggested having hall monitors in the schools.

Mr. Richard Bitare said that he echoed the comments of his brothers and sisters.

Mr. Derrick Drew said that they need to look for the cause of the problems. He asked the Common Council to make a resolution to return to the morals of our Fathers and go back to a simpler time.

#### IV. MAYOR

##### A. RESIGNATIONS AND APPOINTMENTS

There were no resignations or appointments.

##### B. REMARKS

Mayor Knopp told those present that the City shares their assessment of the situations and appreciates their comments. He said that many Councilmembers either have children in the Norwalk school system or relatives who teach in the Norwalk school system.

Mayor Knopp said that he has been working to develop appropriate responses to what has been going on and has created a special task force that will be able to respond to the Hot Spots in the City.

Mayor Knopp said that law enforcement by itself is not a sufficient answer. The turnout tonight shows that the community is prepared to mobilize itself against the general deterioration of behavior. The response of the faith based community has been important. A lot of the violence involves African-American males shooting other African-American males.

Mayor Knopp described the initiatives and said that a great deal is going on and he will have a significant announcement shortly. He said that he was leaving at 9:00 p.m. this evening to drive to Washington to attend a summit regarding gang activity. Mayor Knopp pointed out Morgan McQuaid's photograph in The Hour.

## V. COUNCIL PRESIDENT

### A. CONSENT CALENDAR

\*\* MR. BONDI MOVED THE FOLLOWING CONSENT CALENDAR

## VII. COMMON COUNCIL COMMITTEES

### B. FINANCE COMMITTEE

2. For informational purposes only: Monthly Tax Collector's Report Dated March 31, 2005.

3. For informational purposes only: Narrative on Tax Collection dated April 14, 2005.

4. Authorize the Mayor, Alex A. Knopp, to submit an application to the State of Connecticut for grant funds provided under the State of Connecticut's Local Capital Improvement Fund for 2005 Entitlement.

5. Authorize the Mayor, Alex A. Knopp, to execute a three (3) year master lease agreement for Office Copiers with IKON Office Solutions and authorize the Purchasing Agent to add office copiers to this master agreement for a total amount not to exceed \$146,661.47.

6a. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the contract with Advanced Corporate Networking, Inc. (d/b/a Digital BackOffice) for the implementation of a wireless bridge connection to the Norwalk Transfer Station as part of the Municipal Area Network (MAN) for an amount not to exceed \$9,500.00. Acct # 09050600 5777 C0286

6b. Authorize the City to proceed with the Transfer Station implementation as part of Phase I of the MAN.

6c. Authorize the City Office of Information Technology to issue change orders on Contract for a total not to exceed \$1000.00

## C. RECREATION AND PARKS & CULTURAL AFFAIRS COMMITTEE

1. Approve the use of the Showmobile by the South Norwalk Business Association for the annual Splash Festival to be held on Sunday, June 5, 2005 from 10:00AM - 6:30PM.

2. Authorize the Mayor, Alex A. Knopp to enter into an agreement with the YMCA of Norwalk Inc. to use the Marvin Elementary School and park area for their 8th annual Summer Sizzler Road Race to take place on Sunday, July 24, 2005 from 6:30AM – 1:00PM with a rain date of Sunday, July 31, 2005. Estimated attendance 300.

3. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the United Haitian American Society to use Ryan Park for their 3rd Annual Haitian American Day Parade to be held on Saturday, July 23, 2005 from 8:00AM – 8:00 PM. Estimated attendance 500+

4. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Macedonia Church for the use of Andrews Field Parking Area for a carnival to take place on the following dates:

Thursday, May 5, 2005 5:00 PM – 10:00 PM

Friday, May 6, 2005 5:00 PM – 11:00 PM

Saturday, May 7, 2005 1:00 PM – 11:00 PM

Sunday, May 8, 2005 1:00 PM – 10:00 PM

Set up to take place on Monday, May 2, 2005 and tear down by Monday, May 9, 2005 12:00 Noon. Estimated attendance 2000+.

5. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Alzheimer's Association to use Calf pasture Beach for their Memory Walk to be held on Sunday, October 2, 2005. Estimated attendance 250-300.

6. Approve the use of Brien McMahon and Norwalk High Athletic Complex by the Norwalk Junior Soccer Association for their Second Annual Soccer Jamboree to be held on Saturday, June 18, 2005 and Sunday, June 19, 2005 from 8:00 AM – 8:00 PM on both days. Estimated attendance 500 - 1000

## D. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute a service agreement with Hontz Elevator Company to provide elevator maintenance services for City buildings in an amount not to exceed \$1,205.00 per month for the balance of fiscal year 2004- 2005, fiscal year 2005-06 in the amount not to exceed \$1,241.15 per month, fiscal year 2006-07 in the amount not to exceed \$1,278.38 per month, and for each option year, fiscal year 2007-08 in the amount not to exceed \$1,316.73 per month, and fiscal year 2008-09 in the amount not to exceed \$1,356.24 per month.

\*\* MOTION PASSED UNANIMOUSLY

B. OTHER GENERAL COUNCIL BUSINESS

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

A. NORWALK FACILITIES CONSTRUCTION COMMISSION

\*\* MR. KRUMMEL MOVED THE FOLLOWING ITEM

Removed from the table at the April 12,2005 meeting to be put on the agenda of the April 26, 2005 meeting.

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Dumitru T. Petrescu, P.E. for HVAC mechanical engineering design services at West Rocks Middle School (\$6,250.00), Marvin School (\$4950.00) and Nathan Hale Middle School (\$4,450.00) for a total amount not to exceed \$18,650.00, which includes \$3,000.00 allowance for reimbursable expenses and miscellaneous additional services as may be required. Acct # 09045010 5777 B0291

Mr. McQuaid asked Mr. Mark Gorian if this company had done business in Norwalk and if they know the time constraints. Mr. Gorian said that they have worked on other school projects and have been provided with a time schedule.

\*\* MOTION PASSED UNANIMOUSLY

B. FINANCE COMMITTEE

Ms. Bain excused herself from this item and left the Council Chambers.

\*\* MR. KIMMEL MOVED THE FOLLOWING ITEMS

1a. Accept and Approve the Report of the Claims Committee Dated April 14, 2005 except for the Roton Point/ Pine Point Special Request.

1b. Accept and Approve the Report of the Claims Committee Dated April 14, 2005 for the Roton Point/ Pine Point Special Request.

At Mr. Miklave's request, Mr. Whitman gave an overview of the item. Mr. Miklave asked for the terms of the settlement. Mr. Whitman questioned whether it was appropriate to talk about this in open session. Corporation Counsel Jeffrey Spahr said that if this item is on record in the courtroom, then it is a matter of public record.

Mr. Whitman said that Roton Point Beach Association felt that there was a question of an over assessment. There were discussions over several months and he went by the sales entered into the record. Mr. Miklave asked how much was paid on the lockers that resulted in a \$250,000 refund. Mr. Whitman said that it was somewhere around \$1.5 million.

Mr. Miklave said that he was concerned that the City expended funds to represent the City in litigation matters that were settled without oversight of the Common Council resulting in a payment of \$250,000.

Mr. Kimmel said that he remembered when this item came up a number of years ago and knew what the potential loss could be. With procedural issues aside, he said that the Tax and Legal departments should be commended for doing a good job. He was worried that the City could have lost \$800 – 900,000.

Mayor Knopp said that State Statute entrusts the Tax Assessor with assessing properties and issuing decisions.

Mr. Hempstead asked what would happen if they voted down this item. Mr. Spahr said that the action item is to accept and approve the report. If this is overturned the parties would have to go back to court to enforce payment.

**\*\* MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

Ms. Bain returned to the Council Chambers

Mayor Knopp left the meeting at 9:10 p.m. and turned the meeting over to Mr. Bondi, Council President.

**\*\* MR. COFFEY MOVED THE FOLLOWING ITEM**

**A. ORDINANCE COMMITTEE**

1. Amend Norwalk Code to add new Chapter “Outdoor Dining On Public Land”.

Mr. Coffey said that this is a tremendous quality of life enhancement for Norwalk. The Committee worked on this for several months and this is a well thought out statute.

Mr. Hal Alvord, Director DPW said that he would expect that outdoor dining would be an extension of an existing Health Department license. Mr. Hempstead said that he was concerned about health issues with outdoor dining. Mr. Hempstead asked about the width of the sidewalks. Mr. Alvord said that ADA requires a minimum of 5 feet, unobstructed; the City requires 7 feet.

Mr. Hempstead said that he was concerned that no fees have been set and asked what would be the correct procedure to come back for a review. Mr. Coffey said that they discussed this in Committee and the intent is that it would be self sufficient. Mr. Bondi said that the fee schedule will be discussed at the next DPW meeting.

Mr. McQuaid commended Mr. Coffey and Ms. Landsbury in the Law Department. He said that he also wants to know the fee schedule. He added that his real concern is that

they are putting a lot of pressure on the DPW. Their manpower is low and he hopes that this will not put a great burden on them. Mr. Krummel agreed.

Mr. Miklave said that this was an excellent idea and the Committee worked hard to put this together; however, he said that this was a flawed attempt to approve an outdoor dining ordinance.

Mr. Miklave raised several points.

**\*\* MR. MIKLAVE MOVED TO REFER THIS ITEM BACK TO COMMITTEE**

Mr. Coffey said that this is part of the economic development plan for Norwalk. They are seeking to improve the quality of life for the residents, and as a Common Council, they should do that.

This Statute was reviewed by the Corporation Counsel. He asked everyone to oppose sending this back to Committee. He said that the member who did not show up at the last committee meeting is the one making the motion to move this back to Committee.

Mr. Kimmel commented that since outdoor dining is not uncommon, he was surprised that there was not a boiler plate statute. Mr. Spahr said that Ms. Landsburg requested like-kind ordinances to make an analysis and he understands that she and Mr. Coffey made a compilation tailored to the City's needs.

Mr. Poruban said that other ordinances allowed outdoor dining, but did not deal with City property, so they had to take what was given and taylor it to this situation.

Mr. Kimmel said that he was concerned if no other municipalities in Connecticut use City property for outdoor dining. He added that if this is done correctly the goal is a good goal.

Mr. Coffey described the process to create a statute.

Mr. Miklave said that he had serious concerns about the ordinance and feels that it should be worked on a little more.

Mr. Hempstead asked the Corporation Council for clarification, if it was a conflict of interest for him to participate because Stew Leonard's runs outdoor dining at the Beach. Mr. Spahr said that since Stew's would not have to apply for a permit, there is no conflict of interest.

Ms. Bain said that she is concerned about the time demand on the DPW to the detriment of other responsibilities. She asked Mr. Alvord how much burden this would pose on the department. Mr. Alvord said that his recommendation is that the functional responsibility not belong to the DPW. He said that he has no resources to implement the program. From

a timing standpoint, he said that if this was adopted tonight, they would be well into the summer months before anything gets put into the process.

Mr. Kimmel said that it was pre-mature to vote on this item without a fee structure.

**\*\* MOTION TO MOVE BACK TO COMMITTEE PASSED WITH NINE (9) IN FAVOR AND FOUR (4) OPPOSED (MR. COFFEY, MR. SUTTON, MR. MCQUAID AND MR. PORUBAN) AND MR. BONDI DID NOT VOTE.**

#### VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none.

Due to a possible conflict of interest, Mr. McQuaid left the meeting.

**\*\* MR. BONDI MOVED THE FOLLOWING ITEM**

The Common Council did not go into Executive Session.

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

##### A. CORPORATION COUNCIL EXECUTIVE SESSION

1. Authorize the payment of legal fees to Attorney Donald F. Reid for representing Officer James Saraceni in the case of Jane Doe vs. James Saraceni and the City of Norwalk in the Federal District Court of Connecticut pursuant to Section 7-101a(a) of the General Statutes.

**\*\* MOTION PASSED UNANIMOUSLY**

#### X. SUSPENSION OF THE RULES

There were none.

#### XI. ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 10:10 p.m.

Attest: \_\_\_\_\_