

Common Council Actions

COMMON COUNCIL **ACTION**
MAY 11, 2004 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, May 11, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8.10 pm and led the assembly into the Pledge of Allegiance.

I. ROLL CALL

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

Leona Williams (8:30 pm)

There were twelve (12) members present at Roll Call.

II. ACCEPTANCE OF THE MINUTES

A. Special Meeting – April 27, 2004

B. Regular Meeting – April 27, 2004

**** MR. BONDI MOVED APPROVAL OF THE MINUTES OF APRIL 27, 2004 (SPECIAL MEETING) AS PRESENTED.**

**** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, ONE ABSTENTION (MS. OLMSTEAD-SAWYER).**

**** MR. BAKER MOVED APPROVAL OF THE MINUTES OF APRIL 27, 2004 (REGULAR MEETING) AS AMENDED.**

The following corrections were made to the minutes of the regular meeting held April 27, 2004.

Page seven – fourth paragraph (starting with Mr. Hawley), in the second line delete Board of Education and replace with Adhoc Committee. In the next paragraph at the end of the line, delete conference and replace with comfort. In the next paragraph delete the words the stand and brought up to - replace with one of the reasons for the cost was that it must meet code.

Page eight – fifth paragraph from the bottom, in the second line delete abatement and replace with deferral.

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

III. PUBLIC PARTICIPATION

No members of the public wished to speak this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: Adam Farstrup – Board of Estimate and Taxation

Joseph Santo – Zoning Commission

Galen Wells – Zoning Commission

Appointments: Harold Alvord, Director of Public works to serve
as Tree Warden

James C. Clark – Board of Estimate and
Taxation

Derick DeMarche – Zoning Commission – Alt. to
Reg.

Anowar Shahjahan – Parking Authority

Mayor Knopp announced the three resignations, firstly Mr. Farstrup saying that he had moved out of the city therefore he is unable to chair the Board of Estimate and Taxation as a non-resident.

As discussed last week, Mayor Knopp indicated that Mr. Santo had been appointed to the ZBA thereby resigning from the Zoning Commission.

Lastly, Mayor Knopp announced the resignation of Galen Wells due to her recently elected position on a political party; he thanked Ms. Wells saying that he appreciated her high ethical standards.

With regard to the appointments, Mayor Knopp announced that the distinguished director of public works, Mr. Alvord has agreed to accept the term of Tree Warden for the city. Under the Charter, if this position is created it is mandated under state law that it is subject to approval by the Common Council.

**** MR. PORUBAN MOVED TO APPOINT HAROLD ALVORD TO THE POSITION OF TREE WARDEN.**

Mr. Kimmel indicated that he thought this to be an excellent choice noting the importance of the position of tree warden.

**** MOTION PASSED UNANIMOUSLY.**

Mayor Knopp stated that he was happy to put forward the name of James Clark, a member of the Golden Hill neighborhood group, saying that he had never known any member as diligent in terms of submitting documentation and photographs of zoning violations etc in the neighborhood. Exactly the kind of person that they require on the Board of Estimate and Taxation; Mayor Knopp said he appreciated Mr. Clark giving up his time to serve on this Board.

**** MR. KIMMEL MOVED TO APPOINT JAMES CLARK TO THE BOARD OF ESTIMATE AND TAXATION.**

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

Next, Mayor Knopp suggested the elevation of Mr. DeMarche from alternate member to regular member on the Zoning Commission; he has attended the meeting diligently and brings a great deal of experience to the Commission.

**** MR. PORUBAN MOVED TO APPOINT DERICK DEMARCHE AS A REGULAR MEMBER TO THE ZONING COMMISSION.**

**** MOTION PASSED UNANIMOUSLY.**

Lastly, Mayor Knopp put forth the name of Anowar Shahjahan to be a member of the parking authority. He is currently an alternate member on the ZBA and has been very diligent in his attendance, noting that his specialty is information technology, an important element in the future of the parking authority.

Mr. McQuaid asked if Mr. Shahjahan would remain a member of the ZBA. Mayor Knopp replied that he would resign from the position of alternate on the ZBA.

Mr. McQuaid asked Mr. Shahjahan's party affiliate. Mayor Knopp replied that he is unaffiliated.

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

B. REMARKS

In terms of remarks, Mayor Knopp referred to an item to be added to the agenda tonight saying that they had received information several weeks ago from the Fire Department about the Arial platform truck and for some reason there was a break down in communication and it was not on the agenda. Therefore they had decided to add it this evening for the reason that if this engine is not purchased it would cause a delay of a couple of months (maybe longer) because it is the only one left in the inventory of this company. He said this was such an important matter that it should be added to the agenda.

Secondly, Mayor Knopp announced this evening, that himself and the Chairman of the Board of Education, Jody Bishop-Pullan jointly announced that they had resolved their different approaches to the matter of payment of health insurance benefits for the 2004/05 budget. Tomorrow tonight Mayor Knopp said he would be recommending to the Board of Estimate and Taxation a special appropriation to approve the \$2.5 million to pay for contractual benefits for the teachers' union. Negotiations with the unions will continue in the search for areas of savings.

Mayor Knopp pointed out that this release of information was not an opinion based on the lawsuit against the city by the Board of Education.

Ms. Williams joined the meeting at 8:30 pm.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**** MR. KIMMEL MOVED APPROVAL OF THE CONSENT CALENDAR AS AMENDED.**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL EXECUTIVE SESSION

- 1. Authorization to settle claim: Marzena Kmiecik v. City of Norwalk**
- 2. Authorization to settle claim: One Beacon Insurance A/S/O Patricia Maher v. City of Norwalk**
- 3. Authorization to settle claim: Tony Abbruzzese v. City of Norwalk**

B. BOARD OF ESTIMATE AND TAXATION

1. RESOLVED, that a sum not to exceed \$50,000 be and the same is hereby transferred from Contingency to the Personnel and Labor Relations Department to cover fees associated with services provided by Shipman and Goodwin, LLP, as well as arbitrators fees in the two pending arbitration cases. Acct. # 01-0700-5258
2. RESOLVED, that a sum not to exceed \$375,000 be and the same is hereby transferred from Contingency to the Police Department to pay for an expected shortfall in regular wage and overtime accounts due to severance payments. Acct. No. various.

4. RESOLVED, that a sum not to exceed \$51,584 be and the same is hereby transferred from Contingency to the Building Management Department to cover the additional cost of gas heat for several City facilities. Acct. # 01-4929-5244

A. **NORWALK FACILITIES CONSTRUCTION COMMISSION**

1. **Authorize the NFCC to implement the construction of the East Norwalk Railroad Station Concession Building.**

VII. COMMON COUNCIL COMMITTEES

A. **PUBLIC WORKS COMMITTEE**

1. **Accept the Freeholder's Report for the Maritime Garage for discontinuing portions of North Water Street, Marshall Street and Ann Street that have been incorporated into the Maritime Garage Site.**
2. **Authorize the Mayor, Alex A. Knopp, to sign documentation (a) converting Parcel 5 to condominium ownership, as required by the Land Disposition Agreement covering Parcels 3,4 and 6 (LDA); and (b) conveying the Private Parcel #5 Improvements on the Maritime Garage site (which were constructed at the expense of the Redeveloper under the LDA) to the Redeveloper or its designee.**

3. **Authorize the Mayor, Alex A. Knopp, to execute certain technical amendments to the LDA.**

4. Authorize the Mayor, Alex A. Knopp, to execute technical amendments to the City's Ground Lease of Parcel #5 to the Parking Authority, and the amendments to the Lease Agreement where under the Parking Authority leased the Garage back to the City.

5. Approve the 2003 Fourth Taxing District property extensions.

7. Authorize the Director of Public Works to issue Orders on Contract to Complete Construction Co., Inc., for Project No. SS 2003-3, Proposed Sanitary Sewers to be Constructed on Crooked Trail Avenue, Barnfield Road, Roton Trunk Sewer Extension and Pipe Jackings under the Metro North Railroad Part A, in connection with the Jacking/Augering under Metro-north Railroad, for a sum not to exceed \$300,000. Account No. 09 00 4060 5777 C0043

9. Authorize the Mayor, Alex A. Knopp, to execute any and all documents needed to assign the rights and responsibilities of the City of Norwalk to the Water Pollution Control Authority under the terms of a written agreement by and between the Town of Wilton and the City of Norwalk dated November 29, 1973, pursuant to which the City accepts, treats and disposes of liquid waste from Wilton for an annual charge.

B. FINANCE COMMITTEE

1. Approve Water Pollution Control Authority Budget for Fiscal Year 2004-2005.

C. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the IACP (International Association of Chiefs of Police) to administer examinations for the ranks of Sergeant, Lieutenant and Captain on the Norwalk Police Department for a total not to exceed \$27,000 from account #01 3031-5258.

Mr. Kimmel moved consent to add the following Item (VII. C. 2). to the agenda.

2. Authorize the Purchasing Agent to issue a Purchase Order to Sutphen Corporation for Project number 2094 Arial Platform Truck, for a sum not to exceed \$749,982.00. Acct #'s 09-03-3110-5777 and 09-04-3110-5777.

Ms. Bain requested that Item VI. B. 1 be removed from the consent calendar.

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

B. OTHER GENERAL COUNCIL BUSINESS

Mr. Kimmel commended the Mayor for resolving the issues regarding the two different issues of the Historical Commission and the funding for the Board of Education.

A. BOARD OF ESTIMATE AND TAXATION

1. **RESOLVED, that a sum not to exceed \$150,000 be and the same is hereby transferred from Contingency to the Law Department to cover expenses associated with outside counsel fees related to ongoing legal matters. Acct.# 01-0300-5258.**

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

Ms. Bain recused herself and left the Common Council chambers.

**** MOTION PASSED TEN (10) VOTES IN FAVOR, TWO VOTES OPPOSED (MR. HEMPSTEAD, MR. MCQUAID) BY VOICE VOTE.**

Ms. Bain re-joined the meeting.

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

6. **Authorize the Mayor, Alex A. Knopp, to execute an Agreement with VHB, to provide Pavement Management Engineering Services in connection with the 4R Pavement Management Program for a sum not to exceed \$150,000.**

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

Mr. Poruban commended Mr. Alvord for devising the program for maintenance; he also thanked the city for the funds. He said they are at a point now where they need to start maintaining the roads and VHB is the city's consultant and has been for eighteen years and they will provide the necessary oversight.

Mr. Hempstead commended the Mayor and the Council for staying with a successful program at the same time noting the program is only as good as the money that is put in.

Mayor Knopp indicated that the program has always been funded, half with city funds and half with state funds. In the last fiscal year the State of Connecticut eliminated the funds for the program, therefore Norwalk funded this program 100%. Secondly, under the budget approved by the General Assembly last week the city will be receiving an additional \$118,000 under the road program. The Mayor said he had recommended that these funds be attributed to the road maintenance fund; he added that he had asked Mr. Alvord to come up with a list so they can repair the hardest hit areas.

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

11. Authorize the Mayor, Alex A. Knopp, to execute the Fourth (4th) Amendment to the Malcolm Pirnie Inc. contract for construction administration of the expansion and upgrade at the Waste Water Treatment Plant.

**** MR. PORUBAN MOVED APPROVAL OF BOTH ITEMS.**

Mr. Hempstead recused himself and left the Common Council Chambers.

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

Mr. Hempstead re-joined the meeting.

10. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with the Third Taxing District to participate in the ISO Northeast Load Shedding Program.

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

Mr. Poruban said they were faced with a choice over this and he was happy to say that they were accepted by ISO through the Third Taxing District; the program could generate up to \$87,000 a year, possibly more. It is specifically targeted for Fairfield County and is over a four year period.

Mr. Kimmel stated that this is a great move and if they keep looking at the small items of generating revenue this all adds up. He commended all department heads and others involved.

Mayor Knopp referred to the revenue of \$87,000 over each of the four years of the contract. The approval tonight includes the waste water treatment plant and public works garage and in time they hope to add city hall. One of the results of this, not only the additional funds each year but that it will make a more reliable emergency power situation.

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

C. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

2. Authorize the Purchasing Agent to issue a Purchase Order to Sutphen Corporation for Project number 2094 Arial Platform Truck, for a sum not to exceed \$749,982.00. Acct #'s 09-03-3110-5777 and 09-04-3110-5777.

**** MS. BAIN MOVED APPROVAL OF THE ITEM.**

Ms. Bain indicated that Chief Anderson (Fire Department) was available for questions.

Chief Anderson stated that this project was done in two phases; phase I was to buy the chassis and phase II is to purchase the engine and the ladder. He said the engine that meets the specifications, that fits the chassis is the last one in stock. They have the chassis in place and they are waiting to go forward with phase II; it was done this way due to budget constraints. There are a lot more high-rise buildings in Norwalk now and their current truck is rather old.

Mayor Knopp added that it has become more common now to purchase big items in stages.

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

D. PERSONNEL COMMITTEE

Approve the following new positions and job descriptions:

1. Building and Facilities Manager/Public Works (Ordinance Salary: \$85,000/year).

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

Mr. Sutton stated that this deal with attempts to upgrade and have the city function more efficiently.

Mr. Bondi suggested that all three items be moved together. There were no objections.

2. Wastewater Systems Manager/Public Works (NASA Grade 06)

3. Operations Manager/Public Works (NASA Grade 09)

**** MR. SUTTON MOVED APPROVAL OF ALL THREE ITEMS.**

Mr. Alvord gave the background information on each position.

Mr. Hempstead noted his disappointment that there was no flow chart included in the backup material especially regarding the de-funded positions compared with the funded positions. He asked if there would be any other benefits for the new positions for example, health insurance, cars/mileage.

Mr. Alvord replied that if the candidate lived in Norwalk they would be likely to use a city vehicle; no mileage allowance.

Mr. Hempstead asked if the candidate lived outside the city. Mr. Alvord replied that they would not use a city vehicle.

Mr. Hempstead said there are two positions that are being de-funded; would either of these two positions would be suitable candidates for the funded positions.

Mr. Alvord stated that they had not completed that analysis yet. The action tonight is to approve new job descriptions; many personnel actions will have to follow.

**** MR. HEMPSTEAD MOVED TO AMEND THE MOTION: IF THE TWO POSITIONS OF WASTEWATER SYSTEMS MANAGER/PUBLIC WORKS AND OPERATIONS MANAGER/PUBLIC WORKS ARE FILLED THAT THE TWO UN-FUNDED POSITIONS BE ELIMINATED.**

Mayor Knopp pointed out that the two positions are un-funded in the budget so they cannot be filled. He said he agreed with Mr. Hempstead in that his approach is reasonable, however, he suggested this go through the Personnel Committee first and come back to the Common Council for action.

Mr. Sutton agreed with the suggestion.

Mr. McQuaid requested that they get a list of all of the positions that are dormant so they can help departments re-organize.

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

VIII. **RESOLUTIONS FROM COUNCIL MEMBERS**

There were none this evening.

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

There were none this evening.

X. **SUSPENSION OF THE RULES**

There were none this evening.

XI. **ADJOURNMENT**

**** MR. BONDI MOVED TO ADJOURN.**

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

The meeting was adjourned at 9:10 pm.

ATTEST: _____

Mary Roman, Assistant City Clerk

