

Common Council Actions

MAY 13, 2008

**NORWALK, CONNECTICUT 8:00 P.M. EST 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.**

Mayor Moccia opened the meeting at 8:08 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

Ms. Roman called the roll.

PRESENT:

Fred Bondi Amanda Brown
Michael Geake Richard McQuaid
Douglas Sutton Richard Bonenfant
Steven Serasis Nicholas Kydes
William Krummel Rev. Phyllis Bolden
Kelly Straniti Andrew T. Conroy
Laurel Lindstrom

ABSENT: Douglas Hempstead and Carvin Hilliard

Ms. Roman announced that there were thirteen (13) members present and two (2) absences.

II. ACCEPTANCE OF MINUTES

Regular meeting – April 22, 2008

**** MR. KYDES MOVED TO ACCEPT THE MINUTES OF APRIL 22, 2008 AS SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Captain Rick Marshall came forward and said that he was the new commander of National Guard Alpha Company located on Rt. 123. He said that he was from an infantry company that specialized in mountain areas. The team just returned from Afghanistan last year where they helped the locals rebuild the infrastructure. The guard has changed since 911 but it was important for everyone to remember that the Guard members are citizen soldiers. He then invited the public and the Council to come to an open house from 1-4 p.m. on June 8th. There will be equipment displays and demonstrations.

Mayor Moccia then asked Captain Marshall how long he had been serving. Captain Marshall said that he had been in for 15 years and had served in Iraq. The Mayor then led those present in a standing ovation.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: There were no resignations to announce at this time.

Appointments: There were no appointments to approve at this time.

Reappointments: There were no appointments to approve at this time.

B. REMARKS

The Mayor thanked Michelle's Pies and explained that they had won first prize for a number of her pies in the National Pie Contest in Orlando, Florida. The Mayor then presented Michelle with a proclamation from the City.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Council President Bondi announced the Norwalk Hospital Walk at Calf Pasture Beach and the Recreation and Parks Dept. will be conducting a tour of City Parks on Saturday, May 15, 2008 at 9:00am. There will also be tour of Norwalk High School.

B. CONSENT CALENDAR:

**** MR. BONDI MOVED THE FOLLOWING ITEMS AND STATED THAT AGENDA ITEM**

VI.A 1 AUTHORIZATION TO SETTLE CLAIM: JAN WHITE V. CITY OF NORWALK WAS ON CONSENT TO PLACE AT THE END OF AGENDA IN ANTICIPATION OF AN EXECUTIVE SESSION.

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

1a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Department of Education under the Youth Service Bureau Grant Program for 2008-2010.

1b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement a Youth Service Bureau Grant Program, pursuant to such grant funding.

2a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Department of Education under

the Youth Service Bureau Enhancement Grant Program for 2008-2010.

2b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement a Youth Service Bureau Enhancement Grant Program, pursuant to such grant funding.

3a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut Office of Policy and Management under the Urban Youth Violence Prevention Grant Program for 2008-2009.

3b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement an Urban Youth Violence Prevention Grant Program, pursuant to such grant funding.

4. Authorize the Purchasing Agent, Gerald Foley, to execute a purchase order to upgrade the Police Department's Special Services surveillance van. Refurbishing will be performed by Sirchie Finger Print Laboratories, the original outfitter, as a sole source, in an amount not to exceed \$30,960. Account number 0300002661.

5. Authorize the Mayor, Richard A. Moccia, to enter into a contract with Intertech Associates Inc., Freehold, NJ, to provide consulting services for the design and installation of a Fire Department Public Address System, for a price not to exceed \$18,000. Capital Account # 090831105777C0411. Amount available, \$100,000.

B. PUBLIC WORKS COMMITTEE

2. Authorize the Mayor, Richard A. Moccia, to execute a License Agreement with the Norwalk Transit District for the use of a portion of Burnell Boulevard pursuant to easement rights acquired by the City.

3a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Third Taxing District to enroll the City Hall emergency generator in the Load Response Program.

3b. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Third Taxing District to enroll the Public Works Center emergency generator in the Load Response Program.

4. Authorize the Director of Public Works to issue Change Orders on Contract to FGB Construction, for Project No. PM 2008-1, Pavement Management Project, for a sum not to exceed \$1,100,000.

Account No. 0908/09 4021 5777 C0021/C0283

5. Authorize the Director of Public Works to issue Change Orders on Contract to Deering Construction, Inc. on Project No. 4R2007-1, Proposed 4R Pavement Management Program, for a sum not exceed \$42,240 for the purpose of removing accumulated debris

from the Norwalk River Local Protection Project.
Acct. # 0140 60 5777

6. Authorize the Director of Public Works to issue Orders on Contract to Nagy Brothers Construction Co., Inc. for Project No. 2007-1, Rehabilitation of Perry Avenue Bridge over the Silvermine River and Perry Avenue Retaining Wall Installation in the amount of \$15,450. Account No. 01 40 32 5258

7. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to the Agreement with Tighe & Bond, Inc. to provide professional engineering services in connection with the Reed Putnam Improvement Project for a sum not to exceed \$69,150. Account No. Redevelopment Agency.

D. PERSONNEL COMMITTEE

1a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Medifit Corporation Services, Inc. for the administration of an on-line wellness program for City and Board of Education employees for a total fee not to exceed \$20,000.00.

1b. Authorize the Purchasing agent to issue purchase orders to Medifit Corporate Services, Inc. for the annual renewal(s) of any annual subscription, monthly participation fees, maintenance, technical support or upgrades for the on-line wellness program software, subject to the availability of future funds.

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

LAND USE & BUILDING MANAGEMENT COMMITTEE, Item numbers 5a & 5b from April 22, 2008 Common Council meeting, tabled to next meeting.

1a. Authorize the Mayor, Richard A. Moccia, to execute a contract with Honeywell International for the Health Department Building HVAC system improvement project for a total not to exceed \$171,885.00. (Acct. # 09052012-5777-C0299)

1b. Authorize the Director of Health to issue change orders on contract for a total not to exceed \$18,115.00.

**** THE MOTION TO PASS THE CONSENT CALENDAR AS PRESENTED PASSED UNANIMOUSLY.**

B. PUBLIC WORKS COMMITTEE

1. Approve proposed revisions in Public Works rates and fees.

Mr. McQuaid recused himself and left the Council Chambers.

** MR. KRUMMEL MOVED THE ITEM.

** THE MOTION TO APPROVE THE FOLLOWING REVISIONS IN THE PUBLIC WORKS RATES AND FEES AS NOTED IN 94-10 OF THE CITY ORDINANCES:

DESCRIPTION CURRENT FEE PROPOSED FEE

ACCEPTABLE SOLID WASTE \$82/TON \$85/TON

BULKY SOLID WASTE \$82/TON \$85/TON

PASSED UNANIMOUSLY.

Mr. McQuaid rejoined the meeting following the conclusion of the vote.

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with C.A.F.E. for the annual Columbian Independence Day Celebration to be held in veteran's Park on Sunday, July 20, 2008 from 10:00am-8:00pm. Set-up to take place on Sunday, July 20, 2008 at 6:00am with tear down no later than 12:00noon on Monday, July 21, 2008. Estimated attendance 5,000+

Mr. Krummel said that there had been a lot of discussion on this item and that the letter that had been written by the coordinator had not been attached to the packet. He said that there had been concerns about liquor control. Mr. Krummel pointed out that the set up was to take place at 6:00 a.m. but the event starts at 10:00 a.m. Mr. Krummel expressed strong concerns about the fence being set up. Mr. Bondi said that the Haitian festival would be taking place the day before and would also be using fencing, so the fencing would be up.

Mr. Kydes said that he had been at the Harbor Lights Restaurant when last year's Columbian festival was in progress and said that he was extremely upset with the noise level. He said that he would like an assurance that the noise level would not happen again. Ms. Ruiz, the president of the Columbian American Family Entertain (C.A.F.E.), came forward to the podium. Mr. Kydes asked what was being done to insure that the noise level would be appropriate, and the facility was cleaned up after the event. She said that last year; no one had come forward to speak to them about the noise level.

Mr. Bondi then said that there had been a meeting with Ms. Ruiz about the situation and that steps had been taken to insure that the event goes smoothly. There will be more police presence, the parking will be offsite and additional portable bathrooms will be provided. The food vendors will have permits and the fencing will be in place. He also reviewed the other details, including the fact that there will be a supervisor on site to

insure that the sound will be at an appropriate level. Mr. Bondi said that he believed that this year, everything would be under control.

Mr. McQuaid then said that he started off in favor of the Columbian festival but after seeing the events last year, he had a lot of questions. A discussion about the details then followed. He said that he would be abstaining from the vote.

Rev. Bolden said that she would be voting for the event because it was clear that Ms. Ruiz had done what the Committee had done what the Parks and Recreation Committee had requested. Rev. Bolden said that she was trusting that the group would be doing their best to see that the event goes off smoothly. She felt this event deserved a second chance.

Mr. Bonenfant said that the event had failed in Committee, but Chairman Bondi had brought it to the floor, as was his privilege.

Ms. Brown pointed out that no one wanted to do anything to preclude the festival, but that the Council members have to answer to their constituents. Ms. Brown said that she was sure that this event would be a success.

Larry Carsiego, a Norwalk resident, commented on the event. He said that he would like to comment on the noise level. He asked what the db level was in Norwalk. The Mayor replied that the Parks and Rec would be monitoring.

Ms. Lindstrom said that she appreciated the group returning and that she wanted to make sure that the event worked well. Parks and Recreation was working on making sure that the event goes well. Ms. Lindstrom said that she also represents the district, received complaints and could hear the music at her home. She said that the music had been continuous and that there had been no breaks in the sound. Ms. Lindstrom said that she had heard from some of the local residents about their concerns. Ms. Lindstrom said that there were concerns about the amount of people expected to attend. She said that there were concerns about what would happen if the numbers attending exceeded a manageable amount.

Ms. Lindstrom then asked Atty. Maslan about the group's tax exemption status. Atty. Maslan said that normally, there would be some questions, but having a bond settles the problem. Ms. Lindstrom had a question about the bonding. Mr. Mocciae came forward and said that all groups are required to provide the bond before the event occurs. This is also true with the Seaport Association's Oyster Festival. When damage is done to the turf, the repair costs are routinely taken out of the bond.

Mr. Serasis said that Norwalk was a multi-cultural municipality and that it is important not to lose sight of this. Mr. Serasis said that Ms. Ruiz had worked with Lt. Resnick, Mr. Mocciae and Mr. Bondi. He said that Norwalk needs to celebrate its various cultures and that as a Greek, he is proud of the Columbian culture.

Mr. Kydes said that it wasn't about the nationality of the group, but about the noise level.

RECESS

The Mayor called for a recess at 8:53 p.m. The Council reconvened at 8:57 p.m.

Mayor Moccia said that it was important not to get into a one to one dialog.

Mr. Geake said that he had intended to vote against the measure. He reminded Ms. Ruiz said that the Council members needed to trust her group. Mr. Geake said that he had spoken with Chief Rilling, who seemed to be unconcerned. He said that if things got out of hand, extra police would be called in. If there were extra police needed, it would cost the City.

As a point of order, Mr. Conroy then asked that the cell phones be shut off.

Mayor Moccia then said that the fences would be in place. He then echoed Mr. Kydes's comments that this was not about ethnic issues, but about the noise. He said that the City wanted the group to have a good festival like the Haitian festival, and the various other events, which had taken place.

Rev. Bolden said that she would like to respond to the Mayor's comment. She said that Mr. Serasis had been trying to express caution about appearing to shun ethnic stereotypes.

The Mayor then requested a roll call vote. Ms. Roman called the roll for the votes.

**** THE MOTION PASSED WITH EIGHT IN FAVOR (BONDI, BROWN, GEAKE, SUTTON, BONENFANT, SERASIS, BOLDEN, AND KRUMMEL) ONE AGAINST (KYDES) AND FOUR ABSTENTIONS (MCQUAID, LINDSTROM, STRANITI, AND CONROY)**

During the roll call vote, when Mr. Kydes voted no, the reporter from El Sol burst out with "You don't like Spanish people??" A member of the Council requested an immediate recess, but the Mayor explained that the Council could not enter into a recess until the vote was finalized.

RECESS

The Mayor then announced a brief recess following the conclusion of the vote at 9:05 p.m. The Council returned to session at 9:08 p.m.

Mayor Moccia said that he felt Mr. Kydes was owed an apology. Mr. McQuaid commented that this was the exact behavior he had concerns about.

X. SUSPENSION OF THE RULES

There were no suspensions of the rules at this time.

VI. AGENCIES, BOARDS & COMMISSIONS

A. CORPORATION COUNSEL

1. Authorization to Settle Claim: Jan White V. City of Norwalk

**** REV. BOLDEN MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS THE LEGAL ISSUES REGARDING THE AUTHORIZATION TO SETTLE CLAIM: JAN WHITE V. CITY OF NORWALK.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Council and Atty. Maslan entered into Executive Session at 9:09 p.m. and returned to public session at 9:15 p.m.

**** REV. BOLDEN MOVED TO APPROVE THE AUTHORIZATION TO SETTLE CLAIM: JAN WHITE V. CITY OF NORWALK.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Krummel said that he had an issue that he wished to discuss and requested a recess.

RECESS

The Mayor called for a brief recess at 9:16 p.m. The Council returned to public session at 9:20 p.m.

XI. ADJOURNMENT

**** MR. KRUMMEL MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services