

Common Council Actions

COMMON COUNCIL

ACTION

MAY 14, 2002

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, May 14, 2002 in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex Knopp called the meeting to order at 8:00p.m. and led the assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain
Jeanette Olmstead-Sawyer
Kenneth Baker
Christopher Perone
Fred Bondi
Kevin Poruban
Barbara Hudgins
Judith Rivas
Bruce Kimmel
Douglas Sutton
William Krummel
Peter Wien (Absent)
Joseph Mann
William Wrenn (8:05)
Matthew Miklave

Thirteen (13) members were present at Roll Call.

II. ACCEPTANCE OF MINUTES

A. Regular Meeting April 23, 2002

The following correction was made: On page 5, 1st sentence, everything after "Bradbury" was deleted.

**** MS. RIVAS MOVED TO APPROVE THE MINUTES AS CORRECTED.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. PERONE).**

B. Special Meeting April 30, 2002

The following corrections were made: On page 1, under "Acceptance of the Call of the Meeting", 2nd sentence, "spend" was corrected to "spare". Under item III.1a, the motion was made by Mr. Krummel, not Mr. Kimmel.

**** MR. SUTTON MOVED TO APPROVE THE MINUTES AS CORRECTED.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. BAKER).**

III. PUBLIC PARTICIPATION

Police Chief Harry Rilling spoke in support of item VII.F2a&b, increased pension amounts for police and fire officers who retired prior to 1986. He said this is the right thing to do. Some of these people are living on pensions that fall below the poverty line. He thanked Mayor Knopp for initiating, proposing and moving forward on this. The officers and firefighters are very excited about this. This did not have to be done; it is being done because it is right.

At 8:05 p.m., Mr. Wrenn arrived at the meeting.

Fire Chief James Verda spoke in favor of item VII.F2a&b. He said that the Mayor had worked very hard to bring this back to the Council for a vote. There are many retired police officers, firefighters and surviving spouses who are receiving between \$400 and less than \$500 per month. This is the right thing to do. He thanked the Mayor and the Council.

Laurie Dobson spoke in support of the Water Authority. She said she hoped they would consider the uses over the long term in terms of high water use and having an evaluation and overview. Conducting a natural resources inventory is important. Norwalk has a very high concentration of lawns and they are very high water users. A much better use of water is to grow trees and encourage native plantings. If there is a drought, they need to encourage landscape businesses to restrict the amount of grass grown each year.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Mayor Knopp announced the resignation of Joseph Mastroianni from the Human Relations Commission.

B. REMARKS

Mayor Knopp thanked Police Chief Rilling and Fire Chief Verda for coming to tonight's meeting to show their support. He said there are two upcoming events in the next two days to focus the public's attention on the job done by the Police Department: at 11 a.m. tomorrow, there will be a memorial service at Police Headquarters for police officers killed in the line of duty, and on Thursday evening, 29 police officers will be recognized for their excellent service, bravery and efforts beyond the call of duty at an awards ceremony at 7 p.m. in the Community Room. Mayor Knopp said that the City owes an enormous debt of gratitude to these officers for the excellent work they do.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**

MR. MANN MOVED:

B. BOARD OF ESTIMATE AND TAXATION

1. Approve the Special Appropriation from the May 6, 2002 Board of Estimate and Taxation Meeting.
 - a. RESOLVED, that a sum not to exceed \$12,000 be and the same is hereby transferred from Contingency to the City Clerk's Office to cover a deficit in the Typing Services account due to an increase in the number of City meetings this year. (Acct. #01-0400-5225).

VII. COMMON COUNCIL COMMITTEES

A. PLANNING COMMITTEE

1. Recommend the Common Council remove from the table the 4/10/01 request to approve the proposed City of Norwalk Analysis of Impediments to Fair Housing Choice. **CONSENT TO AMEND THE TABLING ACTION TO A DATE CERTAIN OF MAY 28, 2002.**
2. Consider the approval of the proposed City of Norwalk Analysis of Impediments to Fair Housing Choice, draft dated 3/8/01. **CONSENT TO AMEND THE TABLING ACTION TO A DATE CERTAIN OF MAY 28, 2002.**

A. RECREATION, PARKS AND CULTURAL AFFAIRS

1. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the agreement with the Norwalk Small Craft Safety Training Program Inc., d/b/a Norwalk Sailing School for an extension of one additional year beginning July 1, 2002 through June 30, 2003. All remaining terms of the agreement to remain.
1. Approve the use of Witch Lane Park and the lower parking area of Rowayton School by Shakespeare on the Sound for overflow parking for their Annual Shakespeare on the Sound "As you like it" June 20-June 23, June 25-June 30, July 2, July 7 from 6:00pm - 10:00pm on each evening. Estimated attendance 3,000.
2. Approve the use of the Brien McMahon High School Athletic Complex by the Brien McMahon Band for their annual Celebration of Sound Event, Saturday September 14, 2002 from 7:00am -12:00 midnight. Set up will take place September 13, 2002 at 8:00pm and clean up on Sunday September 15, 2002. Estimated attendance 6,000.
6. Approve the use of Veterans Park by the CT Yankees Rugby Football Club to host the 24th Annual SoNo 10's Rugby Festival on Saturday June 8, 2002, 7:00am - 8:00pm. Estimated attendance 500+

C. FINANCE COMMITTEE

1. 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 2001-2002.
2. Approve Renewal Fees with CIRMA for Third Party Administrator Claims Services for Workers' Compensation and Liability, Auto and Property not to exceed \$158,500 for July 1, 2002 to June 30, 2003.

3. Approve Resolution Authorizing the Issuance of \$72,893,000 General Obligation Bonds to meet the Appropriations in the 2002-2003 Capital Budget and the Making of Temporary Borrowings in Anticipation of the Proceeds Thereof.

D. PUBLIC WORKS COMMITTEE

4. Authorize the Mayor, Alex A. Knopp, to execute an Amendment to the Agreement with NetTech Solutions, Inc., to provide a parking violation management system, for a sum not to exceed \$200,000.

Account No. 01 40 95 5298 (Fiscal Year 2002-03)

3a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with New England Paving Company, for Project No. 4R 2002-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section, for a sum not to exceed \$94,970.

3b. Authorize the Director of Public Works to issue Orders on Contract to New England Paving Company, for Project No. 4R 2002-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section, for a sum not to exceed \$9,497.

Account No. 03 0000 2602

4a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with New England Paving Company, for Project No. 4R 2002-3, Proposed Bituminous Concrete Permanent Pavement Repair within the Southern Section, for a sum not to exceed \$94,970.

4b. Authorize the Director of Public Works to issue Orders on Contract to New England Paving Company, for Project No. 4R 2002-3, Proposed Bituminous Concrete Permanent Pavement Repair within the Southern Section, for a sum not to exceed \$9,470.

Account No. 03 0000 2602

5a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Sound Construction Project No. RD 2002-1, Proposed Bituminous Concrete Sidewalk and Curbs at Various Locations, for a sum not to exceed \$69,850

5b. Authorize the Director of Public Works to issue Orders on Contract to Sound Construction for Project No. RD 2002-1, Proposed Bituminous Concrete Sidewalk and Curbs at Various Locations, for a sum not to exceed \$6,985

Account No.: 01 40 21 5268 (FY 01-02-\$17,000)

01 40 70 5572 (FY 01-02-\$46,000)

01 40 70 5268 (FY 02-03-\$14,000)

6a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Star Construction, for Project No. 2002-2, Proposed Concrete Sidewalk and Curbs at Various Locations, for a sum not to exceed \$54,500.

6b. Authorize the Director of Public Works to issue Orders on Contract to Star Construction for Project No. 2002-2, Proposed Concrete Sidewalk and Curbs at Various Locations, for a sum not to exceed \$5,450.

Account No.: 01 40 21 5268 (FY 02-03-\$20,000)

01 40 70 5572 (FY 02-03-\$40,000)

7a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with the Lowest

Responsible bidder for Project No. 4R 2002-1, proposed 4 R Paving Project, for a sum not to exceed \$.
CONSENT TO WITHDRAW

7b. Authorize the Director of Public Works to issue Orders on Contract to the Lowest Responsible Bidder for Project No. 4R 2002-1, Proposed 4 R Paving Project, for a sum not to exceed \$. (Bid opening 5/24/02, will be on the 5/28/02 CC agenda).

Account No. 01 40 21 5777

09 0040 21 5777 C0021 (FY
2002-03) CONSENT TO WITHDRAW

1. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Goodkind & O'Dea, Inc., to provide professional engineering services in connection with the construction of a new pre-engineering building at the East Norwalk Railroad Station, for a sum not to exceed \$9,300.

Account No. 03 0000 2613

2. **Rescind** the Common Council action on January 9, 2002, authorizing the Mayor, Alex A. Knopp, to execute an amendment to the agreement with Valus and Carpenter for architectural and engineering services in connection with the design of the new Police Facilities Building to increase the total amount paid to a sum not to exceed \$852,000.
3. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the agreement with Valus and Carpenter for architectural and engineering services in connection with the design of the new Police Facilities Building to increase the total amount paid to a sum not to exceed \$878,500.

Account No. 09 00 40 31 5777 C0137

4. **Technical Correction** to Item VII.C.3 of the Common Council agenda for the April 9, 2002 meeting, Authorize the Mayor, Alex A. Knopp to execute an Agreement with Vollmer Associates LLP for on-call structural engineering services related to the Silvermine Pedestrian, James Street and Perry Avenue Bridges for a sum not to exceed \$20,000.

Account No. 01 40 26 5258

15. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Purcell Associates for the design of sanitary sewer relocations for the proposed Route 7 and 15 interchange, Main Avenue and Glover Avenue reconstruction project by the State of Connecticut Department of Transportation (CTDOT), for a sum not to exceed \$9,000.

Account No. 01 0 30 5258 (total to be reimbursed by CTDOT)

18. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Sanborn Colorado, LLC., to provide professional services in connection with the citywide GIS project, for a sum not to exceed \$236,601.75.

A. **PERSONNEL**

1. Approve Ordinance List Salary Increases Effective July 1, 2002. **CONSENT TO REFER BACK TO COMMITTEE FOR PUBLIC HEARING**

B. **OTHER GENERAL COUNCIL BUSINESS**

Mr. Mann had no other general Council business.

V. **REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS**

A. **CORPORATION COUNSEL - Executive Session**

Mayor Knopp said this item and item 1b would be discussed in Public Session.

**

MR. MANN MOVED:

- 1a. APPROVE AND AUTHORIZE the terms of the attached stipulation in the matter of Commercial Roofing & Contracting, Inc v. the City of Norwalk regarding the Roof Replacement Project for the Norwalk Public Schools.

Mayor Knopp said that the City was blindsided with an injunction granted by a judge in Danielson, 111 miles from Norwalk, with no advance warning to the City or ability for the City to be heard. The injunction was granted a week ago yesterday. The City sought an immediate hearing which was granted and held last Thursday in Danielson. The injunction does not allow the City to proceed on any roof project until the injunction is changed or the underlying lawsuit taken up. After hearing from Mr. Foley, Mr. Opdahl, Mr. Lo and others, they determined they could probably defeat the lawsuit on its merits and that there were not material deficits in their bidding process. However, the lawsuit would have taken weeks to solve and they would have lost the entire school year in terms of having the work during the summer. Faced with that, and feeling the greatest need was to protect the public health of the children, they spent all day negotiating with Commercial. Mayor Knopp said Corporation Counsel Ciccarello did a terrific job in negotiating this agreement, which protects the interests of the City very well. Based on the agreement and recommendation of the judge, they have come up with the motions before the Council this evening. If they are approved, the injunction will be voided tomorrow morning at 10 a.m. At worst, under this agreement, they will have lost 2-1/2 weeks on the Norwalk High project. The RFP will be in the Hour on Thursday and they hope to award the contract to the lowest bidder at the next Council meeting.

Mayor Knopp noted that Items VII.D.13 and 14 were motions to rescind actions taken by the prior Council regarding agreements for pay phones in city-owned buildings and on city-owned property. He said it was proper for the Council to rescind those actions.

Mayor Knopp said that the bid document says that the City reserves its right to reject any or all proposals or bids for whatever reason. It would be in the best interests of the City to reject all bids for the Norwalk High roof project and rebid the project.

Corporation Counsel Ciccarello said that the beauty of the settlement is that it allows them to proceed without long and costly litigation and allows the children to have a safe environment. There was one other bidder who was contemplating litigation, and they conditioned the settlement on the written letter from that company saying they would not sue the City. That letter has been received.

Mr. Kimmel said they did the most reasonable thing under the circumstances. It may take a little longer but the City may save some money.

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

1b. RESCIND the action taken at the Special Meeting of April 30, 2002 under Item No. IV. 1.A. and revoke the award of the contract for the Roof Replacement Project at Norwalk High School to Horizon Group (Project NO:102-217) the action to be rescinded is as follows:

Authorize the Mayor, Alex A. Knopp, to execute a contract with Horizon Group for the roof replacement project at Norwalk High School (102-217) for a total not to exceed \$1,286,000.00 Acct.#09025010 5777 C0246

**** MR. MANN MOVED.**

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

1c. Reject all bids received for the Norwalk High School Roof Replacement Project under Bid No:

**** MR. MANN MOVED.**

Mayor Knopp said under the law, they cannot reject one bid and accept another after awarding a bid. They have to reject all bids and rebid the project. Everyone is entitled to rebid, including Horizon.

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

1d. Authorize the immediate rebid of the Roof Replacement Project at the Norwalk High School (Project No. 102-217), as an emergency measure.

**** MR. MANN MOVED.**

Mayor Knopp said they are now in a position to rebid. By designating this as an emergency action, the Council does not have to wait the otherwise necessary seven days. Because it arises out of litigation also qualifies it as an emergency action.

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

Mayor Knopp thanked Mr. Ciccariello, Mr. Opdahl, Mr. Foley and Mr. Lo, all of whom worked so hard on this project.

At 8:45 p.m., Mr. Krummel left the meeting.

V. **COMMON COUNCIL COMMITTEES**

A. **RECREATION, PARKS AND CULTURAL AFFAIRS**

1. Approve the fees for Norwalk Business' and their employees to utilize Calf Pasture Beach Monday-Friday 11:00am - 3:00pm from Memorial Day through Labor Day, (Except for Holidays). \$40.00 for Norwalk Business' and their employees and \$30.00 for any corporation who purchases 30 or more tickets.

**** MR. BONDI MOVED.**

**** MR. BONDI MOVED TO AMEND BY APPROVING PARKING FEES FOR NORWALK BUSINESSES AND THEIR OUT OF TOWN EMPLOYEES TO \$40 FOR A SEASON PASS FOR NORWALK BUSINESSES AND THEIR OUT OF TOWN EMPLOYEES.**

**** AMENDMENT PASSED WITH 3 ABSTENTIONS (MRS. BAIN, MR. MIKLAVE, REV. OLMSTEAD SAWYER).**

Mrs. Bain said she would vote against the motion. There is merit in providing access to the beach to Norwalk businesses but her concern is the speed with which this was taken up, discussed and approved. The proposal was not outlined for the public to speak to, but created after the fact. She said she felt this deserved much more discussion and publication to the public of the stipulation and regulation. This is not what Norden was looking for.

Mr. Bondi said this item was brought before them by Norden. The Acting Director of Recreation & Parks thought it was a very good idea. There was a public hearing and only Norden showed up, which is not their fault. After a lengthy discussion, the Committee came up with the motion and the amendment. They think it is a good idea, and hopefully many companies will utilize the beach. However, many companies won't use it for logistical reasons. It is a start and was pushed through quickly because the season is upon them. If it needs fine tuning, they can look at it again next year.

Mr. Miklave said he would opposed this measure. There is a great deal of merit to creating a special pass to the beach for those who support this city. He has not had the opportunity to give this a great deal of consideration. This is the first time this has been raised to the Council and there is a lack of supporting documentation. They would be creating a special class that is not recognized in the city – out of town residents who work for Norwalk businesses. There are many types of Norwalk businesses and he was not comfortable that he understood the implications of this special class enough to give it his support.

Mr. Wrenn said there was a lot of merit in this idea. It creates an incentive for businesses to move to Norwalk. It shows they are cooperating with businesses and encouraging businesses.

Mr. Kimmel asked if there had been committee discussion prior to the public hearing. Mr. Bondi said there had been discussion at a prior committee to hold a public hearing. Mr. Kimmel said it was a great idea, although he would have liked more backup material.

Rev. Olmstead Sawyer said it was a great idea in a way but she was concerned that they did not have time to research this. She asked why Stamford wasn't encouraging something like this with their beaches. She said people should pay as they go.

Mayor Knopp said they didn't want to be another Stamford. He asked Mr. Bondi if Norwalk has a special class of people who pay \$40 to use the beach to play softball. Mr. Bondi responded affirmatively.

Mr. Mann said he failed to see the shortcomings of this idea. It is only Monday through Friday so it will not affect weekend park attendance.

Mr. Bondi said they are going to revamp the concession at the beach and they hope these employees of Norwalk businesses will use the concession, so it would be a win-win situation for everybody.

**** MOTION, AS AMENDED, PASSED WITH TEN VOTES IN FAVOR, TWO VOTES IN OPPOSITION (MIKLAVE, BAIN) AND ONE ABSTENTION (OLMSTEAD-SAWYER).**

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the South Norwalk Community Center, Inc. NEON/SNCC Summer Camp

Columbus for their annual Summer Camp program held July 1 through August 9th, Monday through Friday from 8:30am -2:30pm. Estimated attendance 75-85.

Mr. Bondi and Mr. Mann recused themselves from discussion and vote on this item and left the room.

**** MR. KIMMEL MOVED.**

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

Mr. Bondi and Mr. Mann returned to the meeting.

A. **FINANCE COMMITTEE**

1. Accept and approve the Report of the Claims Committee dated April 3, 2002 and May 1, 2002.

Mr. Wrenn recused himself from discussion and vote on this item and left the room.

**** MR. KIMMEL MOVED.**

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

A. **PUBLIC WORKS COMMITTEE**

1. Authorize the Mayor, Alex A. Knopp, to execute an Amendment to the Agreement with Turner Construction to provide professional engineering services to extend the period of the existing Agreement until November 1, 2002. (No increase in fee or change to the scope of services).

**** MR. PERONE MOVED.**

**** MR. PERONE MOVED TO AMEND BY ADDING "FOR THE NEW POLICE HEADQUARTERS" AFTER "PROFESSIONAL ENGINEERING SERVICES".**

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MAIN MOTION, AS AMENDED, PASSED UNANIMOUSLY BY VOICE VOTE.**

F. **PERSONNEL**

2a. Approve amendment to the pension plan for the Police and Fire Unions which amendment shall enact a minimum monthly benefit of \$700 per month for all employees who retired on or before July 1, 1986, and their beneficiaries.

**** MR. SUTTON MOVED.**

Mr. Kimmel said this was a great idea and he was surprised it was not done before.

Mr. Bondi said it is terrific that this Council has taken the forefront to do this to help the police and fire people who do such a great job to protect us.

Mayor Knopp said that this is a humanitarian effort. These retirees were forgotten for a long time. The City is not seeking any quid pro from any of the unions in exchange for this humanitarian gesture. Under, this, cost of living increases will be considered as the need arises. There is a greater appreciation of what these people do since September 11th. He said they hope this makes their quality of life easier.

Mr. Sutton said this was unanimously approved by the Personnel Committee.

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

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary in order to effectuate the above amendment to the existing Police and Fire Pension Plans.

**** MR. SUTTON MOVED.**

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

D. PUBLIC WORKS COMMITTEE (Continued:)

8a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with A.J. Penna and Sons, for Project No. DRG 2002-1, Proposed General Drainage at Various Locations, for a sum not to exceed \$161,658.50

**** MR. PERONE MOVED.**

**** MOTION PASSED BY VOICE VOTE WITH ONE VOTE IN OPPOSITION (MR. BONDI).**

8b. Authorize the Director of Public Works to issue Orders on Contract to A.J. Penna and Sons, for Project No.

DRG 2002-1, Proposed General Drainage at Various Locations, for a sum not to exceed \$16,165.

Account No.: 01 40 21 5573 (FY 2002-03)

**** MR. PERONE MOVED.**

**** MOTION PASSED BY VOICE VOTE WITH ONE VOTE IN OPPOSITION (MR. BONDI).**

13. **Rescind** the authorization from the Common Council dated September 11, 2001, authorizing the Mayor, Frank J. Esposito, to execute an Agreement with the telephones as stated on the Master List, in the city-owned buildings and on city-owned property, subject to the approval of the Corporation Counsel. The approved amount is to be paid to the City of Norwalk increases 2% per year for the next six years. The agreement term is from fiscal year 2001-02 through 2006-07.

Mr. Poruban recused himself from discussion and vote on this item and left the room.

**** MR. PERONE MOVED.**

Mr. Kimmel asked for an explanation. Peter Romano, Assistant Director of Public Works, said they are asking to rescind the action to award the contract to Connecticut Pay Telephone to install and maintain telephones in City building and rights of way. The City was sued by another company, went to Federal court in September and the judge said cities did not have the right, under the Telecommunications Act, to put this out to bid. He recommended the parties work it out before a Federal referee, which Attorney Spahr did. They are backing off from the action of last September and holding a lottery next week where the firm will be selected on a round robin basis. Case law is that cities do not have the right to bid telephone rights.

Mr. Kimmel asked who determines what Norwalk gets. Mr. Romano said when they bid it, they asked vendors to put down a price for each phone site. Connecticut Pay Phone submitted bids of \$550 for each of the 6 sites listed. The Council approved it but the contract was never executed because of the lawsuit. The Federal judge said the City can charge reasonable administrative costs. They are now at the figure of \$125 for each pay phone. They do not believe that all of the 50-55 pay phones will be selected, only the choice locations. They will probably end up with only one pay phone in City Hall and many of the elementary schools will probably not have pay phones.

Corporation Counsel Ciccarello said that the Federal judge cited a case from West New York, New Jersey when making his recommendation.

Mr. Miklave asked Attorney Ciccariello if this was a formal settlement of the lawsuit. Attorney Ciccariello said he did not believe that was the case, but it is a precursor to a formal settlement. The litigation will go away if the City follows the recommendation. Mr. Miklave asked if there would be any other fees incurred; Attorney Ciccariello said he could not answer that question.

Mr. Bondi asked if they would be without a phone in City Hall for a period of time and Mr. Romano said it would probably take two to four weeks before they have pay phone service.

Mr. Bondi pointed out that the date in the motion was incorrect in that there had not been a Council meeting on September 11th.

**** MR. PERONE MOVED TO AMEND THE MOTION TO CHANGE THE DATE FROM SEPTEMBER 11, 2001 TO SEPTEMBER 18, 2001.**

Mr. Miklave asked if Corporation Counsel recommends approval of the motions to rescind. Corporation Counsel Ciccariello said they do. Without it, there will be lawsuits which will generate attorney's fees.

Mr. Miklave said he would support these resolutions. He said he is fairly reluctant to approve the implementation of settlement agreements, but on the recommendation of Corporation Counsel, he will support it.

**** MOTION, AS AMENDED, PASSED UNANIMOUSLY BY VOICE VOTE.**

14. **Rescind** the authorization from the Common Council dated September 11, 2001, authorizing the Mayor, Frank J. Esposito, to execute an Agreement with the Highest Responsible Bidder for the Installation and maintenance of public pay telephones as stated on the Alternate List in city-owned buildings and on city-owned property, subject to the approval of the Corporation Counsel. The approved amount is to be paid to the City of Norwalk for the first year. Every year thereafter the payment to the City of Norwalk increases by 2% per year for the next six years. The agreement term is from fiscal year 2001-02 through 2006-07.

Mr. Poruban recused himself from discussion and vote on this item and left the room.

**** MR. PERONE MOVED.**

**** MR. PERONE MOVED TO AMEND BY CHANGING THE DATE FROM SEPTEMBER 11, 2001 TO SEPTEMBER 18, 2001.**

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MAIN MOTION, AS AMENDED, PASSED UNANIMOUSLY BY VOICE VOTE.**

16. Authorize the Director of Public Works to issue Orders on Contract to The Sullivan Architectural Group/A.F. Conte Construction in connection with the completion of the Dog Pound Project, for a sum not to exceed \$231,000

Account No. 09 00 30 10 5777 C0167 (\$ 17,181)

09 00 40 63 5777 C0084

(\$213,819)

Mr. Poruban returned to the meeting.

**** MR. PERONE MOVED.**

**** MR. PERONE MOVED TO AMEND BY CHANGING THE ACCOUNT NUMBERS AND AMOUNTS AS FOLLOWS: \$45,000 FROM ACCOUNT NO. 09 00 30 10 5777 C0167, \$100,000 FROM ACCOUNT NO. 09 40 21 5571 C0084.**

Mr. Perone said this is for the completion of the area around the dog pound and will be used for paving and work on the site.

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Wrenn asked if the \$145,000 included other aspects other than paving. Mr. Grumman said there are other aspects. The total cost for the entire dog pound is not to exceed \$320,000 plus change orders. These would be considered change orders as paving was never in the contract. The dog pound is complete except for paving and a few other matters. Mr. Wrenn said this is another campaign promise that has been delivered.

Mr. Miklave asked if the total is \$465,000 for the dog pound and the paving around it. Mr. Grumman said that was correct.

Mr. Kimmel said the efforts of former Councilman McQuaid should be recognized. Mayor Knopp said he saw Mr. McQuaid on Friday, and he will attend the ribbon-cutting.

**** MAIN MOTION, AS AMENDED, PASSED UNANIMOUSLY.**

17. Authorize the Director of Public Works to issue Orders on Contract to Deering Construction Company, Project No. DPW 2000-1, Proposed Site Work at the Public Works Center, for a sum not to exceed \$150,000.

Account No. 09 00 40 63 5777 C0084

**** MR. PERONE MOVED.**

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

A. **ORDINANCE**

1. New Ordinance - Chapter 57 Water Emergency

**** MR. WRENN MOVED.**

Mr. Wrenn said they have had approximately 1-1/2" of rain in the past 36 hours, but there is still a deficit of approximately 1-1/2 feet of rain. They would need 10" of rain in May to make up this deficit. It is very important that Norwalk have an ordinance giving the Mayor emergency power to declare mandatory restrictions on certain activities. He noted various things that the public can do and said this ordinance would only be implemented on the advice of the DEP and the Health Department to the Mayor. Although the State has announced a drought advisory, there are many things people can do. Water can be saved by growing less grass. Replacing part of their lawns with bushes would save a lot of water. It is important to have this ordinance on the books because Norwalk has no provision to declare a water emergency.

**** MR. WRENN MOVED TO AMEND BY DELETING "OF THE DIRECTOR OF HEALTH" IN THE LAST SENTENCE OF THE ORDINANCE, SUBSECTION 57c-7.**

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

Ms. Rivas acknowledged all of the work done by Mr. Schmidt in terms of research.

Mr. Bondi said that the City is doing its part by installing artificial turf at Brien McMahon and Norwalk High.

Mr. Miklave asked which draft ordinance they were voting on. Mayor Knopp said it was the draft dated May 2, 2002.

Mayor Knopp also thanked Mr. Schmidt for all of the work he had done.

**** MAIN MOTION, AS AMENDED, PASSED UNANIMOUSLY.**

VIII. **RESOLUTIONS FROM COUNCIL MEMBERS**

There were no resolutions put forth.

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

There were no motions postponed to a specific date.

X. **SUSPENSION OF THE RULES**

None.

XI. **ADJOURNMENT**

**** MR. MANN MOVED TO ADJOURN.**

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

The meeting was adjourned at 9:45 p.m.

Attest _____

Pam Stark, City Clerk

