

Common Council Actions

COMMON COUNCIL

ACTION

MAY 25, 2004

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.
Mayor Knopp opened the meeting at 8:15 p.m. and led the assembly in the Pledge of Allegiance

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, May 25, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8.15 pm and led the assembly into the Pledge of Allegiance.

I. ROLL CALL

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

There were thirteen (13) members present at Roll Call.

II. ACCEPTANCE OF MINUTES

A. Regular meeting – May 11, 2004

**** MR. BONDI MOVED APPROVAL OF THE MINUTES OF MAY 11, 2004 AS AMENDED.**

Page two, last paragraph, second line, correct to Golden Hill neighborhood group.

**** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, TWO ABSTENTIONS (MR. MIKLAVE, MR. KRUMMEL).**

III. PUBLIC PARTICIPATION

Mr. Davidson said he was here tonight to ask to table the item to transfer the \$2.5 million from contingency to the Board of Education. As outlined in an essay written for the community, Mr. Davidson urged Council members to see what would happen in negotiations between the teachers' union and the Board of Education before acting on this resolution. The record of the Board of Education in its union negotiations record is less than outstanding and should not be a partisan issue. It would have been easy to just let this pass and to avoid the political heat but as the Mayor himself said "reasonable men can differ". Mr. Davidson urged council members not to pass the resolution and send the message to both the Board of Education and the union that no blank checks on the city treasury are available and you want to see results before transferring funds.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENT

There were none this evening.

B. REMARKS

Mayor Knopp announced that yesterday, both Moody's and Standard & Poor re-granted Norwalk its Triple A bond rating. This is very important for the city because it means that the capital program to renovate and expand the Norwalk schools can continue at less cost to tax payers. The Triple A rate means this is the lowest interest rate of any municipality and because they have such a significant capital program, over the next eight years, this bond rating is a very important part of financial situation.

Last week, the Mayor continuing, Thomas Hamilton (Finance Director), other member of the city staff and himself went to New York to Moody's and gave them a very exciting picture of Norwalk's effort to modernize and reform the government, to keep its fiscal house in order and to improve economic development in the future. The Mayor read various statements included in the report from Moody's. All of the reforms and changes to increase their fund balance, to be financially responsible and to get their financial house in order are very important in the re-confirmation of the Triple A bond rating. He thanked Thomas Hamilton, Tim Sheehan, Mike Green and others that went into the city to make the presentation.

V. COUNCIL PRESIDENT

I. CONSENT CALENDAR

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

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

3. For informational purposes only: Monthly Tax Collector's Report Dated April 30, 2004.
4. Approval of new fee schedule for Code Enforcement.
6. Approve Resolution Authorizing the Issuance of \$5,632,232 General Obligation Bonds to meet the Appropriations in the 2004-2005 Capital Budget and the Making of Temporary Borrowings in Anticipation of the Proceeds Thereof.
7. Resolution with respect to the Authorization, Issuance and Sale of not exceeding \$39,000,000 City of Norwalk General Obligation Bonds, Series 2004.

B. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Approve the use of Veterans Park by the Side-by-Side Community School for their Annual Field Day to be held on June 4, 2004 from 9:30 A.M.- 3:00 P.M. Estimated attendance 250.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

2. Authorize Land Use and Building Management Committee to execute change orders on contract with Merritt Contractors for the Norwalk High School elevator upgrade project for a total additional amount not to exceed \$8,229.10. Acct. # 09035010 5777 C0260
- 3a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Advance Corp. for the installation of two (2) above-ground heating oil tanks at the Department of Public Works Center for a total not to exceed \$46,225. Acct. # 09047100 5777 C0297
- 3b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$4,620.00

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. REMARKS

Mr. Kimmel commended the Finance Department, the Mayor's Office and the Board of Estimate and Taxation on the Triple A rating. This is something very important and will save the taxpayers' money.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

1. RESOLVED that a sum not to exceed \$2,500,000.00 be and the same is hereby transferred from Contingency to the Board of Education to fund employee health benefit expenses for FY 2004-05. Acct.#157-25110-212.

** MR. KIMMEL MOVED APPROVAL OF THE ITEM.

Mr. McQuaid recused himself and left the Chambers.

Mayor Knopp said as members know the city, several years ago, after discussions with its health care insurance consultants determined by consolidating city and Board of Education employees under one CIGNA plan would save money, without any reduction in benefits. Some time ago the Board of Estimate (and others) had requested that the Board of Education attempt to make the same savings through negotiations with the NFT. Although the Board of Education was in a somewhat different position because on the city side all of the existing contracts had expired and were up for re-negotiation, whereas, on the Board of Education's side the teachers' contracts are scheduled to expire on June 30, 2004. The Board of Education did successfully re-open negotiations mid term with the NFT and negotiated an acceleration of the cost share for the health plan and agreed to extend the contract by one additional year. Again, this year as part of budget preparations, it was requested that the negotiations re-open to accomplish the savings with no reduction in benefits. During the deliberations of the Board of Estimate and Taxation, Mayor Knopp stated that at that time he recommended that these funds be put into the city's contingency account so that there would be opportunities, if the negotiations were successful to make sure the funds went back to education and also some funds to share with the tax payers by increasing the fund balance. After the funds were moved into city's contingency account, things became controversial and it was his (the Mayor's) feeling that the attention became diverted from the goal of trying reducing the expenses for health care and instead the focus was on the kind of turf battle between the city and the Board of Education on whether or not it was appropriate to move the money. The result of the controversy was the Board of Education threatening legal action against the city. Prior to the Board of Estimate and Taxation acting, the city's Corporation Counsel had issued an opinion clarifying that the city's action was legal and based on the inappropriateness of the lawsuit and based on the precedent it would set this caused a distraction. To try and get the focus back on the issue, the Mayor said he had a discussion with Jody Bishop-Pullan, Chairman of the Board of Education and she made a statement that they were in fact discussing and negotiating on health care benefits. In light of that he saw no reason to hold the funds because of the distraction and he and Ms. Bishop-Pullan made a joint statement to transfer the funds from contingency to the Board of Education. The Board of Estimate and Taxation did shift the funds back and last week the Board of Education made a formal vote to withdraw any action against the city.

The question, Mayor Knopp asked, is this the right thing to do. He said the more and more he talked to parents, even parents who felt this was the right thing to do were

concerned about the disagreement between the Board of Estimate and Taxation and the Board of Education. The issue is now what can be done to create the appropriate climate in Norwalk to achieve these savings.

With regard to Mr. Davidson's suggestion, (he noted his respect for Mr. Davidson) in that they ought to continue the delay, but he said he did not see what they could gain from doing that and any focus on saving money would be lost again. Mayor Knopp urged a vote to approve this item.

Mr. Kimmel said it was true that this has been on the table as late back as the 1990's. He said the best part of this now is that it has the attention of all bodies, they have created the proper framework and they can now move forward. Mr. Kimmel commended the Board of Education on working with the union, as this has been a bumpy road. On the issue of delaying, he did not consider this to be a good idea, as it would create a feeling of instability.

Mr. Hempstead he would be supporting this but for different reason. He considered the move by the city not to be illegal, but inappropriately put back. The Board of Education are an elected body and responsible for spending the money, not them (the Council).

Mr. Bondi complimented the Board of coming to the meeting tonight noting that he was going to vote against this but had changed his mind and would be voting in favor of it. He said he would like to see this progress and hopefully the Board of Education will do the best they can for better health care programs.

Ms. Bain said in terms of negotiations there is an allowance for a member of the Board of Estimate and Taxation to sit in with the Board of Education during negotiations. She said that this has occurred in the past and is a great benefit as the Mayor has indicated that he will follow through on that. She said this is a good opportunity for someone, other than Board members, to understand the complexities of negotiations.

Mayor Knopp mentioned that the Board of Estimate and Taxation and Dr. Corda had a very productive meeting regarding a member from the Board of Estimate and Taxation being consulted on upcoming negotiations.

Mr. Krummel said with all due respect he intended to vote no on this and appreciated be given the opportunity to be able to express his reservations. At the outset he raised the question about this being misleading. The Council cannot direct the Board of Education on how the funds are to be spent; they (the Board of Education) can allocate the \$2.5 million as they see fit. In his view, Mr. Krummel said, the Council is, in effect, being asked to approve an increase of \$2.5 million (2.2%). At this point he emphasized the record shows that they have been making every effort to provide the financial support needed for the educational programs, consistent with their fiduciary responsibilities. The Council has been elected to provide prudent oversight and management in the interest of all of the taxpayers of the city of Norwalk. For their guidance, the Corporation Counsel has provided an outstanding analysis; this opinion supports the Board of Estimate and

Taxation's opinion in setting the budget for the Board of Education. The Mayor in turn, recognized the possibility of unanticipated needs and placed the \$2.5 in the contingency fund to be used for special appropriations as they may come up, as has been done in the past. Mr. Krummel said in his view the next prudent step for this Council is to confirm the action of the Board of Estimate and Taxation's April meeting where they set the budget for the school and the city.

Mr. Miklave echoed Mr. Bondi's comments in thanking the members of the Board of Education in attending the meeting this evening. He said that he ran for Council and is here today to support the Board of Education on their difficult tasks on a day-to-day basis. One thing that has been lost at the debate in times is that the \$2.5 million is not the Board of Education's money, it is not the city's money, it is not the money of the Common Council, it belongs to the taxpayers. They have a responsibility to use it wisely and if there is a way to achieve savings that doesn't impact the educational program, they have a responsibility to try and achieve those savings, no matter how difficult.

Mr. Hilliard commended the Board of Education for coming out tonight and said he would be supporting this measure with the understanding that the Board of Education and the NFT have to address the issue of health care. He said not only is this a problem here, they need to look at the private sector also. Next year the cost of health care is due to go up approximately from 11% to 15%; this is a very serious matter and needs to be addressed.

Mr. Hempstead referred to Mr. Krummel's statement in that the \$2.5 million is not earmarked by the Board of Education and asked for clarification on this point.

Mayor Knopp explained the process of requesting a special appropriation noting that although this was highly unlikely, if the money was to be used for another purpose that would be taken into consideration the next time.

Mr. Hempstead applauded the Mayor on retaining the Triple A bonding, he wished to point out that the Triple A bond rating was set by the Esposito government.

Mr. Kimmel said that he wished to re-iterate that this action is legal. There has got to be some level of trust between the different agencies in Norwalk.

**** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, ONE (1) VOTE OPPOSED (MR. KRUMMEL) BY ROLL CALL VOTE.**

Mr. McQuaid re-joined the meeting.

Mayor Knopp requested that they take the agenda out of order. There were no objections.

VII. COMMON COUNCIL COMMITTEES

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Purchasing Department to issue Purchase Orders for new Consumer Science Labs at middle schools as follows:

Dell Marketing - 60 PC's with software \$53,517.00

Tech Depot - 4 HP laser printer \$3,620.00

Technical Education Solutions - 4 Depco lab equip. \$237,960.00

W B Mason - 116 Hon chairs \$6,898.52

Acct. # 090350 5777 C0112

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

Mr. Poruban said he had raised concerns about this because the current program in his son's middle school is not functioning as it should. This is the first he has seen of the presentation and would like to see a follow-through. He was a little disappointed that the current people doing this were not sent for training. He said he was going to vote against this but changed his mind as hopefully the problems have been ironed out.

Mr. Miklave said he would be supporting this in separating out the education aspects from the equipment itself. He said in his mind, the Board of Education and the Superintendent set the curriculum and they (council members) are not there to second-guess it. He said he did have some concerns that it is implemented in a timely manner and hoped it is done as expeditiously and as seamlessly as possible.

Mr. Krummel said the school district made a presentation to the Land Use and Building Management Committee and the committee passed the item with one negative vote. He said he would like to think that a large part of the positive reception that was given was due to the excellent presentation of the Roton Middle School teachers, Laurie Given. He said he only wished they had more teachers like her.

Mayor Knopp thanked Ms. Given.

Mr. Kimmel said there too many questions about this about such a big ticket item and would be voting against this.

Mr. Hempstead said this is another issue of this being the Board of Education's money. He said it was not for them to reason this; the Board of Education's purview is to decide what they consider to be the best way and they need to support this.

Ms. Olmstead-Sawyer said that presentation is everything. She agreed that many people do not go to college but are able to work with their hands and to present in a way to grab the attention of all youngsters to show them what is available in the future is truly commendable.

**** MOTION PASSED TWELVE (12) VOTES IN FAVOR, ONE (1) VOTE OPPOSED (MR. KIMMEL) BY VOICE VOTE.**

A. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee Dated April 8, 2004.
2. Accept and Approve the Report of the Claims Committee Dated May 13, 2004.

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

Mr. Miklave recused himself and left the Chambers.

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

Mr. Miklave rejoined the meeting.

5. Approve Parking Authority Budget for Fiscal Year 2004-05.

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

Mr. Kimmel said in the early stages there were concerns over this and for a variety of reasons it was rushed and never got anywhere. He pointed that for years and years the city has subsidized parking through property taxes and running large deficits. They have now created an authority that has updated it, made it a little more expensive but the fees are being paid by the people using it.

Mr. Hempstead said he would be voting against as he considered the fees to be excessive. One of the reasons that attracted businesses in south Norwalk was because the parking was free and that part of town still needs a lot of work.

Mayor Knopp indicated that the fee structure is subject to revision in the future; they will be watching it closely.

**** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, TWO (2) VOTES OPPOSED (MR. MCQUAID, MR. HEMPSTEAD) BY VOICE VOTE.**

8. 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 2003-2004.

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

Mr. Kimmel pointed out that for a number of years they had received a substantial amount of money for his from the state. In looking at 2003/04 budget, he said it is all red and that would indicate that the \$1.3 million is entirely funded through the city. They could not let their roads sink into disrepair they found a way to continue the 4R paving. He said he hoped that this is approved and asked for council members to support this.

**** MOTION PASSED UNANIMOUSLY.**

9. Authorize the City to impose an additional conveyance tax at the rate of one-fourth of one percent of the consideration for the interest in real property conveyed in accordance with Section 51 © of House Bill 5692.

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

Mr. Kimmel said he they had a bi-partisan discussion on this. He wished to point out that it is not true that the only people selling their homes in Norwalk are the elderly. This is a way to lessen the property tax burden; they have to take advantage of these opportunities. He said wherever they can diversify sources of revenue, they should move in that direction.

Mr. Hempstead said he would vote no on this. He said it is unfair as there is no balance; it is based on the backs of few people, both young and old, it makes no difference. He considered this to be wrong.

Mr. Miklave said he supported this, but not because he liked taxed. He said the property tax is a regressive tax because it hits people on a fixed income who are not selling their property. He said he recognized that there is a spectrum of taxes the most, the most progressive are income taxes, the most regressive are the sales tax followed by the property tax. He said they should do whatever they can to minimize the burden on people on fixed income.

Mr. Hempstead said this is just as regressive as it picks on the same people. There are plenty of people who have lived here all their lives and because of the taxation have to sell their homes and then they are hit again.

**** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, TWO (2) VOTES OPPOSED (MR. HEMPSTEAD, MR. MCQUAID) 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 9:30 pm.

ATTEST: _____
Pam Stark, City Clerk

