

Common Council Actions

COMMON COUNCIL ACTION

JUNE 26, 2007

**NORWALK, CONNECTICUT 8:00 P.M. 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 Moccia opened the meeting at 8:05pm and led the assembly in the Pledge of Allegiance. Mayor Moccia asked for a moment of silence in memory of Steven Orris, a former Councilmember who was a devoted Norwalker. He also asked for a moment of silence in memory the nine firefighters in Charleston who lost their lives.

I. ROLL CALL

Ms. Young called the Roll. There were fourteen (14) members present and one (1) absent.

PRESENT: Michael Coffey Richard McQuaid
Matthew Miklave Rev. Phyllis Bolden
Kevin Poruban Carvin Hilliard
Joanne Romano Fred Bondi
Douglas Sutton Douglas Hempstead
Herbert Grant Kelly Straniti
Gwen Briggs William Krummel

ABSENT: Nicholas Kydes

VIII. RESOLUTIONS FROM COMMON COUNCIL

Ms. Young read the following resolution:

**A RESOLUTION OF THE NORWALK COMMON COUNCIL OF THE CITY OF
NORWALK, CONNECTICUT APPLAUDING THE “NORWALK BEARS”**

WHEREAS, We applaud the 2007 Norwalk High School baseball team the “Norwalk Bears” and their coach, Angelo Bruno, Sr. winners of the FCIAC Baseball Championship.

WHEREAS, They defeated St. Joseph’s 13-2 at the final championship game held at Bridgeport Harbor Yard on Saturday, May 28, 2007.

WHEREAS, The “Norwalk Bears” are ranked fourth in the state.

WHEREAS, The following athletes are members of the team:

Nick Iannazzo Nick Cardone Joe Reddock
Taylor Cohen Matt Taliercio Angelo Bruno
Chris DiPreta Matt Mola George Savaides
Korey Delbene Brian Hegar Andrew Merritt
Matt Iannazzo Brian Jacoby Richard Sullivan
Kyle Mastropietro William Calnan Daniel Nieves
Chris Romano Mike Andino Scott Merritt
John Barbarula

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY OF NORWALK wishes to extend our sincere congratulations to the coaches and players of the Norwalk High School Baseball Champions and join with their families and the citizens of Norwalk in commending them on their outstanding 2007 season. Signed this 26th Day of June, 2007.

The resolution was received with a round of applause. Mr. McQuaid asked Coach Bruno to stand up, noting that he was one of the finest coaches in the City and deserves a special round of applause. Mr. Bondi added that Coach Bruno was voted MVP for the State of Connecticut.

II. ACCEPTANCE OF MINUTES

Regular meeting – June 12, 2007

**** MR. MCQUAID MOVED TO ACCEPT THE MINUTES**

The following correction was made to the motion on Page 7, item E1.

Therefore the contract was approved by the operation of the law.

**** MOTION PASSED WITH TWO (2) ABSTENTIONS (REV. BOLDEN AND MR. KRUMMEL)**

II. PUBLIC PARTICIPATION

Mr. Slapin said that he was opposed to approving the Ethics Code as written.

Mr. Urban Mulvehill spoke in support of allowing charter boats to dock at Veteran’s Park.

Ms. Diane Lauricella said that there were credible reasons to bring the Ethics Code back to Committee.

Ms. Marija Bryant said that the proposed Ethics Code is hard to understand.

Ms. Laurel Lindstron said that the proposed Ethics Code needs further revisions. She suggested allowing more public input.

Mr. Gordon Tully read from his written statement outlining his reasons for opposing the Ethics Code as written.

Mr. Barry Natale said that he and his wife appreciate the Common Council's consideration of allowing charter boats to dock at Veteran's Park.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations:

There were no resignations.

Appointments:

Ralph Depanfilis – Oak Hills Authority

**** MS. ROMANO MOVED TO APPROVE THE APPOINTMENT OF RALPH DEPANFILIS TO THE OAK HILLS AUTHORITY
** MOTION PASSED UNANIMOUSLY**

Reappointment:

Cesar Ramirez – Housing Authority

**** MR. BONDI MOVED TO APPROVE THE REAPPOINT OF CESAR RAMIREZ TO THE NORWALK HOUSING AUTHORITY
** MOTION PASSED UNANIMOUSLY**

Robert Virgulak – Oak Hills Authority

**** MS. STRANITI MOVED TO APPROVE THE REAPPOINTMENT OF ROBERT VIRGULAK TO THE OAK HILLS AUTHORITY
** MOTION PASSED UNANIMOUSLY**

Andrea Light – Zoning Commission

**** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF ANDREA LIGHT TO THE ZONING COMMISSION
** MOTION PASSED UNANIMOUSLY**

Jacqueline Lightfield – Zoning Commission

**** MR. MCQUAID MOVED TO APPROVE THE REAPPOINTMENT OF
JACQUELINE LIGHTFIELD TO THE ZONING COMMISSION
** MOTION PASSED UNANIMOUSLY**

B. REMARKS

Mayor Moccia recognized and acknowledged the retirement of Richard Fuller from the Board of Education and his many years of service for the City and youth. Mayor Moccia also talked about the progress of the summer jobs program.

Mr. Krummel said that it was out of place to discuss the Ethics Code under the Council President item. Mr. Coffey said that he spoke with Mr. Nolin who made a legal decision that it was posted properly. Mr. Spahr agreed and pointed out that the public had an opportunity to speak on the item despite its location on the agenda.

Mr. Miklave agreed with Mr. Krummel.

Mr. Coffey said that the people on the Committee worked hard on creating the Ethics Code. This Code of Ethics is a vast improvement over the 1960's version. Mr. Coffey commended the Corporation Counsel and said that he has great respect for his opinion.

Mr. Coffey explained that the Committee held three public hearings where they solicited input from the public. In addition, the Committee held numerous meetings to discuss this item.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

1. Approve the proposed Ethics Code.

**** MR. COFFEY MOVED TO APPROVE THE ETHICS CODE AS PRESENTED**

Mr. Hilliard said that he supported Mr. Coffey's motion. He said that it was a good process where three public hearings were held. Following the last public hearing, a Committee meeting was held, that was not well attended.

Mr. Bondi said that it was time to pass the ordinance. Once the Committee is established, they can make revisions to the ordinance if necessary.

Mr. Poruban said that the language was watered down compared to the Stamford Code and asked if the Committee members had actually read the Code. He added that it had a typo. He suggested taking a recess to read the code and look for typos.

Mr. Krummel said that Mr. Coffey has done a tremendous service and deserves a lot of credit, but the Code is full of problems. He said that there was not enough strength in the Code.

Ms. Briggs said that this was a great platform to start off from. She agreed that it should go back for further work. She said that there is no provision in the Code for disclosure which is a glaring error.

Mr. Miklave said that this was an emotional issue. He said that Mr. Coffey and his predecessor, Mr. Wrenn deserve a lot of credit. He said that ethics should be a stand by which the public holds us accountable for our actions. Mr. Miklave said that no one was against ethics, but he believes that the ordinance could be better.

Rev. Bolden said that if she remembered correctly, Mr. Coffey sent out a massive mailing asking everyone to read the draft and report back. She said that two people responded. Rev. Bolden said that the Committee worked hard and should be commended for their hard work. She said that she will vote in favor of the Code.

Mr. Hempstead said that the Ethics Code has served the City for 35 years and met only four times over the past 20 years. Mr. Hempstead said that Norwalk's standards were high and in 14 years has never been approached by a developer or offered money. He said that this is not a perfect document, but it can be tweaked at any time. Mr. Hempstead said that this document is a vast improvement over the current document.

Mr. Poruban said that he is concerned because he hears that his colleagues are accepting an inferior document. He said that he would like Norwalk to be the model for other communities.

**** MR. PORUBAN MOVED TO REFER THIS ITEM BACK TO THE ORDINANCE COMMITTEE**

**** MOTION FAILED WITH FIVE (5) IN FAVOR (MR. MIKLAVE; MR. PORUBAN; MR. SUTTON; MS. BRIGGS; MR. KRUMMEL) AND NINE (9) OPPOSED (MR. COFFEY; MS. ROMANO; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. HEMPSTEAD; MS. STRANITI)**

**** MOTION TO APPROVE THE ITEM PASSED WITH TWO (2) OPPOSED (MR. PORUBAN AND MR. KRUMMEL) AND TWELVE (12) IN FAVOR (MR. COFFEY; MR. MIKLAVE; MS. ROMANO; MR. SUTTON; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. HEMPSTEAD; MS. STRANITI; MS. BRIGGS)**

Mayor Moccia said that he appreciated all of the work and the comments.

B. CONSENT CALENDAR:

**** MR. COFFEY MOVED TO APPROVE THE FOLLOWING CONSENT CALENDAR**

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

For informational purposes only: Monthly Tax Collector's Report Dated May 31, 2007.

Authorize the Mayor, Richard A. Moccia, to execute general liability insurance placements for the FY 2007-08 fiscal year with the Connecticut Interlocal Risk Management Agency (CIRMA) for an amount not-to-exceed \$617,216 Account #168510-5418

Authorize the Mayor, Richard A. Moccia, to execute property insurance placement for the FY 2007-08 fiscal year with the HD Segur Insurance Agency in an amount not-to-exceed \$196,750. Account #168510-5418

Authorize the Mayor, Richard A. Moccia, to execute contract changes with the HD Segur Insurance Agency relative to property insurance placement in an amount not-to-exceed \$29,513. (15% of contract total). Account #168510-5418

B. PUBLIC WORKS COMMITTEE

Accept the necessity for the repair of private sanitary sewer laterals and the removal of private storm drainage connections to the sanitary sewer collection system as part of the Westport Avenue Inflow and Infiltration Remediation Project (Water Pollution Control Authority Project 2007-2) and appoint Freeholders.

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Brown, Barrie & Associates LLC for the use of Ryan Park for a Musical Artists Showcase, Basketball Tournament, and Lecture to be held on Saturday, August 25, 2007 from 9:00am – 9:00pm. Estimated attendance 250.

2. Authorize the Mayor, Richard A. Moccia to execute an agreement with the Industrial Business Group, LLC dba Dalton Contracting Company for the repairs of Rowayton, Cranbury and Fitch Tennis Courts for a sum not to exceed \$37,550.00 from account #09076030-5777-C0321

3. Authorize the Mayor, Richard A. Moccia to execute an agreement with Metro N.Y. Balloon and Music Festival to use Taylor Farm for a 9 Hot Air Balloon Launch to take place weather permitting on one of the following days, August 7th, 8th, or 9th from 5:00am – 8:30am. Estimated attendance flight personnel only, 150.

4a. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Shock Electric for Project # 2517 Baseball Field Lighting at Brien McMahon High School for a sum not to exceed \$297,570.00. Account #'s 09026030-5777-C0215, 09076030-5777-C0371.

4b. Authorize the Director, Recreation and Parks to issue change orders on contract for a total not to exceed \$29,757.00. Account#09076030-5777-C0371

6. Approve the use of the Show Mobile by Silk Touch for the Main/ Wall Street Festival to be held on Thursday, July 19, 2007.

D. ORDINANCE COMMITTEE

1. Approve addition to Chapter 103 – Tax Abatement for Volunteer Emergency Service Workers of other Municipalities and Intertown Agreements.

E. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute an amendment to Fletcher Thompson, Inc. architectural/engineering design services contract for the Norwalk High School Project, in order to increase the current hazardous material monitoring allowance by \$70,000 for additional monitoring services associated with the abatement phase for the project. Acct #0904-5010-5777-B0310

2a. Authorize the Mayor, Richard A. Moccia, to execute a contract with Merritt Contractors, Inc. for the supply and installation of a new pool filtration system and chemical treatment equipment at Norwalk High School for a total not to exceed \$169,000.00. Acct. #09035010 5777 C0260

2b. Authorize the NFCC to issue change orders on contract for a total not to exceed \$16,900.00. Acct. #09035010 5777 C0260 and #09075010 5799 B0310.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

1. PLANNING COMMITTEE agenda item VII.D2, tabled on 6/12/07 to 6/26/07 Council meeting.

1. Approve Resolution in support of the National Call to Action for Affordable Housing through Regulatory Reform.

Consent to table to next meeting

**** MOTION PASSED UNANIMOUSLY**

A. FINANCE COMMITTEE

Accept and Approve the Report of the Claims Committee Dated June 14, 2007.

Mr. Miklave recused himself from the vote to avoid the appearance of impropriety and left the Council Chambers.

**** MR. HILLIARD MOVED TO APPROVE THE ITEM**

**** MOTION PASSED UNANIMOUSLY**

Mr. Miklave returned to the Council Chambers.

C. PUBLIC WORKS COMMITTEE

**** MR. KRUMMEL MOVED TO APPROVE THE ITEMS**

2a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Nagy Bros. Construction Co., Inc., for Project No. BR 2007-1, Proposed Bridge Rehabilitation on Perry Avenue over the Silvermine River and Perry Avenue Retaining Wall Installation, State Bridge No. 04130, for a sum not to exceed \$311,531.

2b. Authorize the Director of Public Works to issue Orders on Contract to Nagy Bros. Construction Co., Inc., for Project No. BR 2007-1, Proposed Bridge Rehabilitation on Perry Avenue over the Silvermine River and Perry Avenue Retaining Wall Installation, State Bridge no. 04130, for a sum not to exceed \$31,160. Account No. 0907 4021 5777 C0394 (\$50,000) 0907 4021 5777 C0392 (\$350,000)

Mr. Krummel said that this has been a fine example of cooperation and is pleased that the community is behind the bridge renovation.

Ms. Straniti said that she enthusiastically agreed with Mr. Krummel. Mr. Hempstead said that there was a lot of give and take to make this work.

**** MOTION PASSED UNANIMOUSLY**

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

** MR. BONDI MOVED TO APPROVE THE FOLLOWING ITEM

5. Approve a portion of the visitor's docks at Veteran's Park for commercial tour operators for boarding and debarking of passengers from their vessels.

Mr. Moccia explained the fee structure. Ms. Romano said that the fee structure was reasonable and it is a good idea. Rev. Bolden said that she was very excited about this and it will bring an economic boost to Norwalk.

** MR. KRUMMEL MOVED TO AMEND THE MOTION TO ADD "IN ACCORDANCE WITH THE VISITOR DOCK FEE SCHEDULE"

** MOTION PASSED UNANIMOUSLY

** MAIN MOTION PASSED UNANIMOUSLY

E. LAND USE & BUILDING MANAGEMENT COMMITTEE

** MR. SUTTON MOVED TO APPROVE THE FOLLOWING ITEMS

3a. Authorize the Mayor, Richard A. Moccia, to execute an amendment to Total Communications, Inc.'s existing City telephone system contract, for the installation of a telephone system with public address capabilities for Norwalk High School for a total not to exceed \$183,534.80. Funds from the Norwalk High School renovation account.

3b. Authorize the NFCC to issue change orders on contract for a total not to exceed \$18,353.00.

Mr. Krummel said that he was in favor of the item, but the back up material should have included the approval from the City's Technology Committee. Mr. Sutton told Mr. Krummel that the ITT Committee reviewed and approved this item.

** MOTION PASSED UNANIMOUSLY

A. CORPORATION COUNSEL

** MR. COFFEY MOVED TO GO INTO EXECUTIVE SESSION AT 10:00 P.M.

** MOTION PASSED UNANIMOUSLY

1. Authorization to Settle Claim: Jacob Dagley v. City of Norwalk et al
EXECUTIVESESSION

** MR. COFFEY MOVED TO COME OUT OF EXECUTIVE SESSION AT 10:20 P.M.

** 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 10:20 p.m.

ATTEST: _____

Darlene Young, Assistant City Clerk

