

Common Council Actions

JUNE 28, 2005

**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, June 28, 2005, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Councilman Bondi called the meeting to order at 8:15 pm and lead the assembly into the Pledge of Allegiance. There was a minute of silence to remember Joseph Lieberman's mother who had passed away.

I. ROLL CALL

Betsy Bain Bruce Kimmel
Kenneth Baker Richard McQuaid
Fred Bondi Matthew Miklave
Michael Coffey Jeanette Olmstead-Sawyer (absent)
Carvin Hilliard Kevin Poruban
Douglas Hempstead (absent) Douglas Sutton
William Krummel Peter Wien
Leona Williams (8:18)

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

II. ACCEPTANCE OF THE MINUTES

A. Regular Meeting – June 14, 2005

**** MR. COFFEY MOVED APPROVAL OF THE MINUTES OF JUNE 14, 2005 AS PRESENTED.**

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

III. PUBLIC PARTICIPATION

Mayor Knopp joined the meeting at 8:17 pm.

Tom Lungren asked permission to put on a concert called Music for Life on September 5, 2005 at Cranbury saying that all of the proceeds would go to breast cancer.

Ms. Williams joined the meeting at 8:18 pm.

Ed Prescott stated that he was here to speak about the Personnel/Ordinance item. He said because one person was against this it raised issues about separation and that he wanted to be mindful of double standards when there are different unions involved – he said there are a lot of issues to be addressed.

Art Scialaba referred to the item regarding Norwalk New Canaan Health District saying that new information has been released and there has not been enough time for the public to review this to decide if this is a good merger. Regarding the Personnel/Ordinance item he said these reviews really mean something and he urged council members to table this.

Diane Lauricella also referred to the Personnel/Ordinance item noting that she had attended the public hearing and asked that council members review the minutes especially the comments made by David Davidson. Regarding the Health Department item she said that council members are welcome to contact the League of Women Voters to discuss this as this item needs to be looked at more thoroughly and at this point the proposal is wrong for Norwalk.

Jackie Lubell asked that the Health Department issue be voted on and opposed. She said this merger would not benefit Norwalk only New Canaan. She said she would like to see a more complete picture.

IV. MAYOR

A. Resignations and Appointments

Resignations

Mayor Knopp announced that Donald Nelson had resigned from the Pension Board but he would remain a member of the Planning Commission and Tree Advisory Committee. Secondly, he announced that Susan Wallerstein had resigned from SWRPA due to family health reasons and wished her well.

Appointments

The Mayor indicated that Candace Schafer is an alternate member of the Fair Rent Commission and recommended that she be made a full member.

**** MR. KRUMMEL MOVED TO APPOINT CANDACE SCHAFFER FROM ALTERNATE TO REGULAR ON THE FAIR RENT COMMISSION.**

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

Reappointments

Mayor Knopp indicated that Richard Whitehead is a professional arborist and came highly recommended from the Chair, Don Nelson and Tree Warden, Hal Alvord.

**** MR. PORUBAN MOVED TO REAPPOINT RICHARD WHITEHEAD TO THE TREE ADVISORY COMMITTEE.**

**** MOTION PASSED TWELVE VOTES IN FAVOR, ONE ABSTENTION (MR. MCQUAID) BY VOICE VOTE.**

Lastly under reappointments, Mayor Knopp noted that Joseph Santo had served on the Zoning Commission and when his term expired he was appointed to the ZBA. With his familiarity of zoning laws the Mayor said Mr. Santo brought a sense of historical development and a useful prospective to the ZBA. He added that he came highly recommended by Dorothy Mobilia (Chair of Zoning Commission) and Galen Wright-Wells.

**** MR. MCQUAID MOVED TO REAPPOINT JOSEPH SANTO TO THE ZONING BOARD OF APPEALS.**

Mr. Krummel said it was with regret as he respected the opinion of the Mayor that he would be voting against this reappointment. He said he had spoken with the Chairman of the ZBA who was not in agreement with this reappointment and in accordance with this he would be voting no.

The Mayor suggested that this information was erroneous, as he too had spoken with members of the ZBA who were in favor of this reappointment.

Mr. Krummel begged to differ stating that he had spoken with the Chairman and members of the ZBA who were not in favor.

Mr. McQuaid stated that if they start to allow the Chairmen of committees and boards to handpick their members they would run into big problems. He said that it was a good thing to have someone from the opposite side on this Board and that he had known Mr. Santo for a number of years and that he always puts the city's interest first. He said this was a good choice.

Mr. Coffey gave some history of the ZBA noting that they previously had approximately 130 applications a year and 2 meetings a month. He said the current chairman has gotten this down to 1 meeting a month and approximately 50 applications a year. He indicated that his wife (Kathleen Nagle) is the secretary at on this Board and she too was not in favor of the reappointment of Mr. Santo.

Mr. Kimmel said he had known Mr. Santo for some years and was not prepared to vote in the affirmative as not all of the information presented was accurate.

** MOTION FAILED - SIX VOTES OPPOSED (MR. COFFEY, MR. WIEN, MR. HILLIARD, MS. WILLIAMS, MR. KIMMEL, MR. KRUMMEL) - TWO ABSTENTIONS (MR. BONDI, MR. PORUBAN) - FIVE VOTES IN FAVOR (MR. BAKER, MR. MIKLAVE, MR. SUTTON, MR. MCQUAID, MS. BAIN) BY ROLL CALL VOTE.

B. REMARKS

Mayor Knopp mentioned the positive meeting with the Fire Fighters today.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

** MR. BONDI MOVED APPROVAL OF THE CONSENT CALENDAR AS FOLLOWS:

A. FINANCE COMMITTEE

2. For informational purposes only. Monthly Tax Collector's Report Dated May 31, 2005.
3. For informational purposes only. Narrative on Tax Collections dated June 9, 2005.
4. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Connecticut Interlocal Risk Management Agency (CIRMA) to provide workers' compensation TPA service for FY 2005-06 at a per claim cost of \$178 for medical only, \$990 for indemnity and heart/hypertension and \$23 for record only; FY 2006-07 at a per claim cost of \$190 for medical only, \$1,040 for indemnity and heart/hypertension, and \$24 for record only; FY 2007-08 at a per claim cost of \$200 for medical only, \$1095 for indemnity and heart/hypertension, and \$25 for record only.
- 4b. Authorize the payment of charges for Managed Care and Loss Control services.
- 4c. Authorize two one-year extensions at terms to be negotiated. Acct #169030-5298.
5. Authorize the Mayor, Alex A. Knopp, to execute general liability insurance placements for the FY 2005-06 fiscal year with the Connecticut Interlocal Risk Management Agency (CIRMA) for an amount not to exceed \$560,135. Acct# 168510-5418.
6. Authorize the Mayor, Alex A. Knopp, to execute property insurance placement for the FY 2005-06 fiscal year with the HD Segur Insurance Agency in an amount no to exceed \$205,139. Acct #068510-5418.

7. Authorize the Mayor, Alex A. Knopp, to execute contract changes with the HD Segur Insurance Agency relative to property insurance placement in an amount not to exceed \$30,771 (15% of contract total). Acct #168510-5418.

B. RECREATION AND PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp to enter into an agreement with Norwalk Seaport Association for the use of Veterans Park for the 28th Annual Oyster Festival to be held on the following dates:

Friday, September 9, 2005 from 6:00 pm – 11:00 pm.

Saturday, September 10, 2005 from 11:00 am – 11:00 pm.

Sunday, September 11, 2005 from 11:00 am – 8:00 pm.

All fees and charges would remain the same as last year. Estimated attendance 50,000+

4. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Music for Life, L.L.C. to hold a Music Festival/Concert to benefit Breast Cancer at Cranbury Park on Monday September 5, 2005 from 12 NOON – 9:00 PM with a rain date of Saturday, September 11, 2005. Estimated attendance 5,000+

5. Authorize the Purchasing Agent to issue a purchase order H. Barber & Sons for a Barber Surf Rake 400 HD and John Deere 3320 for a sum not to exceed \$33,885.00. Acct # 016031-732

6. Authorize the Mayor, Alex A. Knopp to execute an agreement with Robert Storm A.I.A. for architectural design services for the renovation of the Comfort Station in Shady Beach for a sum not to exceed \$10,000.00. Acct # 09026030-5777-C0069

7a. Authorize the Mayor, Alex A. Knopp to execute an agreement with Deering Construction Inc. for the replacement of playground equipment at various city locations for a sum not to exceed \$172,350.00. Acct #09066030-5777-C0364. #09056030-5777-C0072 and #09046030-5777-C0072.

7b. Authorize the Director of Recreation and Parks to issue a change order for a sum not to exceed \$17,250.00.

8. Authorize the Mayor, Alex A. Knopp, to execute an agreement with ACHIEVE to use the grounds of Nathan Hale School for a summer camp to be offered, Monday – Friday from June 27, 2005 – August 12, 2005 from 8:30 – 5:30 pm. Estimated attendance 150.

C. PUBLIC WORKS COMMITTEE

Mr. Bondi moved consent to table the following Item VII C 1.b to the next regular meeting.

1b. Establish a special account to earmark tip fee difference between the City's fee to CRRA (\$66.00/ton) and the fee charge to commercial haulers (\$74.00/ton) for the construction and operation of the Special Waste Collection Site.

Mr. Bondi continued with the Items to be included on the Consent Calendar.

2. Authorize the Purchasing Agent to issue a purchase order to Inter-state Ford Truck Sales, Inc., for three (3) 2006 Sterling L8500 snow plow trucks for a sum not to exceed \$261,150.
Acct. #'s 0905 4031 5777 C0313 (\$17,715) & 0906 4010 5777 C0377 (\$243,435).

E. ORDINANCE COMMITTEE

1. Amend City of Norwalk Code to add Ordinance entitled "Hearing Procedure For Parking Violations and Citations".

Mayor Knopp referred to VII E. 1 and made note that an amended draft had been distributed.

Ms. Bain requested that item VII B. 2 be removed.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. OTHER GENERAL COUNCIL BUSINESS

There was none this evening.

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee Dated June 9, 2005.

Mr. Miklave recused himself and exited the Council Chambers.

Mr. Kimmel applauded the Tax Collection Office.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Mr. Miklave re-joined the meeting.

B. RECREATION AND PARKS & CULTURAL AFFAIRS COMMITTEE

2. Authorize the Purchasing Director to issue a purchase order to Willow Motor Sales Corp as the low bidder for a 2006 Isuzu Truck Project #2268 for a sum not to exceed \$35,5586.00. Acct #016031-5732.

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

Ms. Bain said the question had been raised regarding the standardization of trucks.

Mike Mocciae (Director of Parks & Recreations) replied that the GMC and Isuzu are interchangeable and this is not an issue. Most of their trucks are standardized however they do

have some specialty vehicles and this would fall under that category.

Ms. Bain applauded the city's approach to standardize vehicles.

Mr. Kimmel remarked that they should move towards better coordination between departments and buy in bulk thereby getting a better deal.

**** MR. BONDI MOVED TO AMEND THE MOTION TO CORRECT THE AMOUNT TO \$35,586.00**

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

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

3a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Vermont Systems Inc. for the Purchase of software for the Recreation and Parks Department Rec Trac and Web Trac which includes Citywide Facility usage for an amount not to exceed \$27,959.00. Acct. # 016010-5742

3b. Authorize the Mayor, Alex A. Knopp to execute a Software License Agreement with Vermont Systems Inc. for the use of the Software Rec Trac, Web Trac and Direct Credit Card Interface renewal of such annual software license or support services agreement (Technical Support and upgrades subject to availability of future funds.)

3c. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Vermont Systems Inc. for the Software maintenance of support agreement for renewal for such Annual Maintenance Agreements. (Technical support and upgrades subject to availability of future funds.)

**** MR. BONDI MOVED APPROVAL OF THE THREE ITEMS AS A BLOCK.**

Mr. Bondi commented that this is a fantastic program and it will also make it easier for the public to be able to register.

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

C. PUBLIC WORKS COMMITTEE

1a. Approve the Department of Public Works Fee Schedule, as amended

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

Mr. Poruban stated that an analysis had been done of the costs and fees and all fees are based on the cost of operation.

Mr. Kimmel asked about the fees relating to the driveways.

Hal Alvord (Director of DPW) explained that there are two different fees pertaining to driveways, one is for residential and the other is for commercial (he gave the Home Depot as an example). The residential does not take a lot of processing or time but for the commercial driveway this would involve the engineer and a lot of staff time.

Mr. Kimmel noted the importance of reviewing fees on a regular basis.

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

D. PERSONNEL COMMITTEE

1. Approval of Salaries for Ordinance List.

Mr. Sutton noted that there had been a public hearing on this Item that was very spirited. He said it was the opinion of the committee by 3-1 to bring this item before the Council this evening. He noted the presence of Sara LeTourneau (Personnel Director).

Mr. Hilliard said that he did not like the fact that this item had been submitted and wished for it to go back to committee for the items to be looked at separately.

**** MR. HILLIARD MOVED TO REFER THE ITEM BACK TO COMMITTEE FOR THE PURPOSE OF SEPARATION.**

Mr. McQuaid said because he was unable to attend that meeting he was in favor of sending the item back to committee.

Ms. Bain stated that she would not be supporting this vote, as there are many philosophical differences.

Mr. Kimmel agreed with the philosophical differences saying that this item should be dealt with tonight.

Mr. Bondi said he agreed with Mr. Hilliard and was opposed to voting on this item as a package. He stated that he would not vote unless the list is separated.

Mr. Miklave stated that he would be voting against the item – he said by sending it back to committee would not produce a different result. He said the issue of separating the list had been discussed during the last meeting and members had expressed their views. By separating the list will only deprive some employees of a cost of living increase of \$8-\$21 a week.

Mr. Krummel said he would be voting to send the item back to committee. He said he liked to treat the top people of the city as individuals and not as a blanket increase. He added that this would be retroactive to July 1st and had no concern about employees not getting the increase they deserve. He commented that there is too much to discuss this evening and hoped to be included in discussions as committee level.

Mr. Coffey suggested that the employees be treated the same way as in a private firm and to reward those who are excellent and deserve the raise, he said it is difficult to move everyone a block step.

As a procedure question Mayor Knopp asked Mr. Hilliard what his intent was regarding separation.

Mr. Hilliard replied that he wanted to have the names separated and be evaluated individually.

Mayor Knopp asked what would happen if the committee did not agree with the notion to separate. He went through the rules of sending an item back to committee.

**** MR. HILLIARD MOVED TO REFER THE ITEM BACK TO COMMITTEE.**

Mr. Baker commented that if this vote is regarding a cost of living increase then it would be hard to vote against it.

Mr. Sutton stated that this is a cost of living adjustment. Our evaluation system is a goal setting system that aligns the goals of the city and the person is who is responsible for the operation of the process is the Mayor. Mr. Sutton stated that he was in favor of approving the salary adjustments and against sending it back to committee.

Mr. Miklave said that he respected the views tonight but what they have tried to touch upon are the issues that make this a philosophically difficult choice for some people. There are a lot of underlying assumptions here – they are talking about human resources and performance. For example some people believe that money is not the motivator of every person and others who believe that it is. They are also talking about who is responsible for evaluating these employees fairly and objectively and he agreed with previous comments that it is a dangerous and difficult thing to hold people up to a standard that is little more than hit or miss. To say that they as a Council have to evaluate these people on a case-by-case basis is a little unrealistic. When talking about the senior staff of the city, they are responsible to the department heads and the Mayor for performing their jobs. He said he had confidence in the department heads and the

Mayor to adequately evaluate those positions and to do so in a way that reflects a fundamental fairness and to address job performance issues as they should be addressed not as a punishment.

Mr. Krummel noted his disappointment on the cost of living increase, as he did not see that term mentioned in the cover letter at all. He said this is an opportunity for the Council to express its support or lack of support for the group and he did not see it as a punishment and saw this as discretion.

Mr. Baker said the percent involved here makes it very apparent that it is a cost of living increase.

**** MOTION TO SEND THE ITEM BACK TO COMMITTEE PASSED SEVEN VOTES IN FAVOR (MR. COFFEY, MR. MCQUAID, MR. WIEN, MR. HILLIARD, MS. WILLIAMS, MR. BONDI, MR. KRUMMEL) – SIX VOTES OPPOSED (MR. BAKER, MR. MIKLAVE, MR. SUTTON, MR. PORUBAN, MR. KIMMEL, MS. BAIN) BY ROLL CALL VOTE.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

Tabled at the June 14, 2005 meeting to be placed on the agenda of the June 28, 2005 meeting.

A. PUBLIC HEALTH AND WELFARE COMMITTEE

1. Resolution to unite with the Town of New Canaan to form a District Department of Health.
2. Authorize the Mayor, Alex A. Knopp, to approve Memorandum of Understanding by and between the City of Norwalk and the Town of New Canaan.

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

Mr. Krummel stated that there has been a great deal of discussion in the community regarding this and he agreed with the latest thinking to table the item for a period of six months.

**** MR. KRUMMEL MOVED TO TABLE THE ITEMS FOR A PERIOD OF SIX MONTHS.**

Procedurally the Mayor indicated that this is a non-debatable motion only the time frame involved could be discussed.

Mr. McQuaid commented that six months is a very long time to table this as they have been working on it since November.

Mayor Knopp added that the First Selectman of New Canaan was acceptable to the proposed time frame.

Mr. Hilliard said he was in support of the six months as there has been a lot of talk on this and it would now give the citizens of Norwalk time to research the issue.

Mr. Kimmel agreed with the six months as this will be discussed after the elections.

Ms. Williams too supported the six-month time frame as it will give employees and the unions time to examine the issue.

**** MOTION TO TABLE THE ITEM PASSED UNANIMOUSLY BY VOICE VOTE.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none this evening.

X. SUSPENSION OF THE RULES

There were none this evening.

XI. ADJOURNMENT

**** MR. BAKER MOVED TO ADJOURN.**

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

The meeting was adjourned at 9.30 pm.

ATTEST: _____

Pam Stark, City Clerk