

Common Council Actions

COMMON COUNCIL

ACTION

JULY 13, 2004

NORWALK, CONNECTICUT 8:00 PM 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, July 13, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor Alex A. Knopp called the meeting to order at 8:10 pm and led the assembly into the Pledge of Allegiance.

I. ROLL CALL

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

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

II. ACCEPTANCE OF THE MINUTES

A. Regular Meeting – June 22, 2004

** MR. BONDI MOVED APPROVAL OF THE MINUTES AS PRESENTED.
** MOTION PASSED ELEVEN (11) VOTES IN FAVOR, ONE (1) ABSTENTION
(MR. WIEN) BY VOICE VOTE.

III. PUBLIC PARTICIPATION

Mayor Knopp stated that there is an item on the agenda this evening to discuss the matter of whether to hold a special meeting regarding the teachers' contract. He asked that anybody wishing to speak, do so only regarding whether to hold the meeting or not, not to discuss the substance as that is not on the agenda. He explained that he, Mr. McQuaid

and Mr. Hempstead would be recusing themselves from any discussion on the teachers' contract due to a possible conflict of interest.

Lou Schulman stated that he was in support of the Wall Street plan saying that he was a member of the advisory committee both recently and in 1987. The study has been well vetted publically and the transit district feels so strongly about this they are considering an investment of \$1 million on Brunell Blvd over the next three to four years.

Bruce Gall stated that he too was in support of the Wall Street area, noting that it was a ghost town and after reviewing the documents stated that he was fully in favor of the plans.

Paul Jones said there were numerous opportunities for the public to comment about the plans and many changes have been made because of them.

Walter Briggs stated that he was in favor of the Wall Street plan. As Chairman of the Planning Commission, he said that this had been passed unanimously onto the Common Council with a strong recommendation of the plan.

Dr. Salvatore Corda (Superintendent of Schools) said his comments would reflect his belief on whether or not the Council should meet on Thursday. As he understood it the reason for the meeting would be to consider the rejection of the agreement made with the NFT. He said he wanted to be clear that the Council understands the implications on whether or not the contract is rejected. If the contract is rejected then the existing agreement which has one year remaining will continue with the terms that are currently established, that means there will be no change to the health insurance plan that they believe will result in savings. It also means that the Board of Education will be faced with the task of finding \$1.3 million in reductions that they have to make in 2004/05; the reason why is because they anticipated savings of \$1.3 to come from this and they reconciled their budget accordingly. They believe the rejection of the contract will put them in a very bad situation of finding of \$1.3 million in cuts; this would put the district and the city into turmoil that nobody needs. He urged that Council members allow the agreement to stand and not to vote for a meeting on Thursday night.

Todd Bryant stated that he was in support of the Wall Street plan. He said that he did serve on the advisory committee and the process that brought it here should be a model for future plans in the city of Norwalk. It started with a consultant and there was public input all along the way. This is, in his opinion the way to do a plan.

Keith Brown said he was in support of the Wall Street plan; he congratulated the city on the direction of all the different plans the process used. These plans are essential to making investments in the city in terms of making something happen in the city.

Danny Grunman said he was in favor of holding a public meeting on Thursday night to discuss the contract to give members of the public to comment.

Heather Rodin urged the Common Council members to vote no for having a special meeting. She said she thought this would serve as a dangerous precedent especially as the Board of Education have worked long and hard to come to a decision that will benefit the students and the teachers.

IV. MAYOR

Under appointments the Mayor indicated that under the ordinance the NFCC designates roles for representatives of the Board of Education and the Board of Estimate and Taxation. He put forth the name of David Cole, a member of the Board of Education who is also the Chairman of the permanent Ed Spec Committee.

**** MR. KIMMEL MOVED TO APPOINT DAVID COLE TO REPRESENT THE BOARD OF EDUCATION ON THE NORWALK FACILITIES CONSTRUCTION COMMISSION.**

**** MOTION PASSED UNANIMOUSLY.**

Mayor Knopp said from the Board of Estimate and Taxation he wished to put forward the name of Greg Burnett.

**** MR. PORUBAN MOVED TO APPOINT GREGORY BURNETT TO REPRESENT THE BOARD OF ESTIMATE AND TAXATION ON THE NORWALK FACILITIES CONSTRUCTION COMMISSION.**

**** MOTION PASSED UNANIMOUSLY.**

Under re-appointments, Mayor Knopp said he was pleased to put forward the name of Andrea Light who has served on the Commission for a number of years.

**** MR. HEMPSTEAD MOVED TO RE-APPOINT ANDREA LIGHT TO THE ZONING COMMISSION.**

Mr. Hempstead commended the Mayor's decision to re-appoint Ms. Light as he had served on this Commission with her for some time saying that she is a very dedicated member.

**** MOTION PASSED UNANIMOUSLY.**

B. REMARKS

The Mayor had no remarks this evening.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

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

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. NORWALK FACILITIES CONSTRUCTION COMMISSION

1. Authorize the Mayor, Alex A. Knopp, to execute an Amendment to Pinnacle One's contract for Project Management Services for the New Police Station to:

- a. Extend the contract period from December 1, 2004 to April 30, 2005 to coincide with the building construction period, for a total amount not to exceed \$87,050.00
- b. Provide move management services which include pre-move planning, move day(s) coordination/supervision and post move closeout for a total amount not to exceed \$23,720.00 Acct. #0902/034031 5777 C0137.

2. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Valus & Carpenter Architects' contract for the New Police Station to:

- a. Extend their services from December 1, 2004 to May 12, 2005 for a total not to exceed \$39,600.00
- b. Include reimbursable expenses allowance for a total amount not to exceed \$3,000.00. Acct. #0902/034031 5777 C0137

3. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Brooks Laboratories for environmental consulting and monitoring services for the Brien McMahon High School/Center for Global Studies Improvement Project for a total not to exceed \$53,938. Acct. #09025010 5777 C0237

4. Authorize the NFCC to issue Change Orders on Contract with J.R. Contracting for asbestos abatement work for Brookside School Replacement Project by increasing the contingency allowance by \$12,286.59. Acct. #09005010 5777 C0171

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with STV Incorporated to provide Construction Administration Services in connection with the Broad Street Bridge Deck Replacement (State Project No. 102-272 and FAP No. STP07102-6), for a sum not to exceed \$21,380. Acct. #0140 30 5258 (FY04/05)

3. Authorize the Purchasing Agent to issue a Purchase Order to ESRI, Inc., sole source provider, for the maintenance and support of the ESRI GIS software, for a sum not to exceed \$12,218.36 each year for a three (3) year term. Acct. # 01 40 30 5258 (FY 03/04)

5. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the Agreement with Vanasse Hangen Brustlin, Inc. (VHB, Inc.) to provide custom application programming to the existing Permit Manager 2000 program, for a sum not to exceed \$4,000. Acct. # 01 04 30 5258

6. Authorize the Mayor, Alex A. Knopp, to execute a QUIT Claim Release in order to transfer title to certain vehicles at the Wastewater Treatment Plant from the City of Norwalk to Operations Management International, Inc., pursuant to the terms of the written contractual agreement between the parties.

7. Authorize the Purchasing Agent to issue purchase Order to Interstate Ford Truck Sales for the purchase of five (5) Sterling L8500 Plow Trucks (with plow and body) for a sum not exceed \$408,575.00 (\$81,715.00 per vehicle)
Acct. # \$163,430 (FY 03/04) 09044031-5777-C0289
\$245,145 (FY 04/05) 09054031-5777-C0313

B. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee Dated July 8, 2004.
2. Authorize the Mayor to issue a Purchase Order to LHS Associates Inc. for an Accuvote Tabulating System for an amount not to exceed \$6,995.00.
3. Approve the termination of the contract with Leshar Glendinning Municipal Services, Inc. for commercial property appraisals in connection with the 2003 revaluation program.
4. Authorize the Mayor, Alex A. Knopp, to execute with Kerin Commercial Real Estate to complete the commercial property appraisals for the 2003 revaluation program for an amount not to exceed \$70,000.

C. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with IACP (International Association of Chiefs of Police) for travel expenses connected with the promotional tests of the ranks of Sergeant, Lieutenant and Captain for a total not to exceed \$3000.00.
Acct. # 01-3031-5258

D. PLANNING COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Berg- Howland Associates for professional services related to the Washington Street Railroad Bridge Lighting Design for an amount not to exceed \$30,000.
2. Authorization from the Norwalk Common Council to utilize up to \$1,000,000 in existing municipal funds and services as an in-kind, matching contribution for the current grant application to the Lead-Based Paint Hazard Control Grant Program.

E. PUBLIC HEALTH AND WELFARE

1a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply to and accept \$309,000 in grant funds from the State of Connecticut Department of Public Health for the WIC Program for the period April 1, 2004 through September 30, 2005.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, agreements, instruments or amendments as may be necessary to implement the WIC Program for the period April 1, 2004 through September 30, 2005.

2a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply to and accept \$34,000 in grant funds from the Southwestern Connecticut Area Agency on Aging for the Community Case Worker Program for the period October 1, 2004 through September 30, 2005.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, agreements, instruments or amendments as may be necessary to implement the Community Caseworker Program for the period October 1, 2004 through September 30, 2005.

3. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to implement the Shellfishing Memorandum of Understanding for the period June 1, 2004 through June 1, 2007.

4a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Charles D. Fleischman, Engineers for per design and construction documents, bidding and negotiation assistance and contract administration in the replacement of the HVAC system upgrade at the Health Department for an amount not to exceed \$8,750.

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

B. OTHER GENERAL COUNCIL BUSINESS

Mr. Kimmel said he thought that all of the Council members appreciated the work of the Finance Department in such a short period of time.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

B. CORPORATION COUNSEL

1. Resolution Requesting Special Council Meeting Under CGS Sec. 10-153d(b).

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

Mayor Knopp stated that under the provisions of the Charter that he as Mayor is authorized to call a special meeting, in light of the conflict of interest and not being able to attend if the vote came down to a tie he would not be able to exercise that authority. Therefore he said the most fair and equitable way is to let the Council members reach the decision of requesting a special meeting.

Mr. Kimmel thanked the Corporation Counsel for the very good back up material. He said it was his feeling that the way the legislation is worded, especially item c, the requirement is not clear in moving towards arbitration. The intent of the Statute is that a municipal body should only step in under very exceptional circumstances and perhaps adjust the contract. He could not recall this happening in the past. Mr. Kimmel stated that he did not think this is an exceptional situation that would require a negative vote after the Board of Education and the NFT have been in negotiations noting that they were good faith negotiations by all parties. He commended the NFT, as last year they opened up the contract and this year they have opened up the contract again and this may be unprecedented that a union has opened up contracts and negotiated with the Board of Education to make honest efforts to solve problems. In looking through the memorandum supplied by the finance department, Mr. Kimmel said he had spent a considerable amount of time going over the numbers and there are some substantial savings this year. It is important to note that this is a fair amount of money and it is very important to educational programs. There are questions and differences regarding next year and again he commended Mr. Hamilton; he added that they have to look at this year and what they have before them right now.

Mr. Kimmel pointed out the following: one, this frees up money for this year and two, it is generally accepted by most in this room that the union has moved a step closer towards a self-assured plan. He noted his concern for next year regarding the framework for negotiations. He stated that it was his feeling that they should not have the meeting as it would set a terrible precedent. He suggested it would be pre- the Board of Education and the NFT and they should move forward with this.

Mr. Hempstead said as a point of clarification the point of this vote is for having a meeting to take the item up, he asked if any conflict could be foreseen.

Mr. Ciccarello said this is a procedural matter and this should not effect the substance.

Mr. Hempstead referred to the rules of a special meeting and the point of only having fifteen minutes for the public to speak. He asked if the rules could be suspended.

Mayor Knopp said at that kind of meeting that rule would not be enforced.

Mr. Miklave said he looked at this vote as whether they should hold a special meeting for the purposes of debating the contract. He referred to the memo from Mr. Hamilton saying mature for the Common Council to vote without deliberating over this and that he could see no harm by postponing this until Thursday.

Mr. McQuaid stated that in the past they had often felt the same way about receiving information in a timely matter and asked that this courtesy be passed along.

Mr. Krummel referred to what's happening in Long Island at the moment where they find that Boards of Trustees and Directors are given the responsibility for overseeing organization and institutions are not doing their work. He said they have been given the fiduciary responsibility to see that money is spent properly and that the government is organized as best it can. They cannot dodge the responsibility to examine a very important aspect of the city and this is a good opportunity for the public to express themselves.

**** MOTION PASSED TEN (10) VOTES IN FAVOR (MS. WILLIAMS, MR. BAKER, MR. MIKLAVE, MR. BONDI, MR. SUTTON, MR. WIEN, MR. HILLIARD, MR. PORUBAN, MR. HEMPSTEAD, MR. KRUMMEL) AND TWO (2) VOTES OPPOSED (MR. MCQUAID, MR. KIMMEL) BY ROLL CALL VOTE.**

Mayor Knopp declared that under Section 1-197 of the Norwalk City Charter that there would be a special meeting of the Common Council on Thursday, July 15, 2004. The City Clerk distributed notice of the meeting.

Council went into recess at 8:50 pm and reconvened at 9:05 pm.

D. PLANNING COMMITTEE

3. Approve the attached resolution terminating the Wall-Main Urban Renewal Plan.
4. Approve the attached resolution approving the Wall Street Redevelopment Plan, Summer 2004.

**** MR. MIKLAVE MOVED APPROVAL OF THE ITEMS.**

Mr. Miklave stated that he was proud to move the Wall/Main Urban Renewal Plan. He said that this Administration, the Planning Commission, the Redevelopment Agency and the citizens who served and all of the people who turned out should all be commended for the outstanding work that they have done. This is one of the most well thought out plans that he had ever seen; it is a flexible, achievable, sound and consistent plan. Mr. Miklave said he moved to Norwalk about thirteen years ago and they lived not far from Wall Street when it was ready to take off with many businesses in place. Since that time those

businesses have gone out of business and during the largest expansion of the American economy it passed Wall Street by. Now they are allowing this area to move forward and he was very pleased to put this forward and thanked everyone.

Mr. Wien said he lives near Wall Street said he was very excited to see this happening and hoped that people would keep in mind that there are many residents who have lived there a long time.

Mr. Bondi said it is about time that this project has got off the ground and he looked forward to seeing Wall Street come back to what it was many years ago.

Mr. Hempstead commended the plan, saying that the thought it was an excellent plan. He said part of the teeth in this plan is the eminent domain that he said he issues with. At the same time he said he understood the necessity for it.

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

Mayor Knopp thanked the Redevelopment Agency and all other involved with the project.

A. PUBLIC WORKS COMMITTEE

2a Authorize the Mayor, Alex A. Knopp, to execute an Agreement with (FGB Construction Company), for Project No. 4R 2004-1, Proposed 4R Pavement Management Program, for a sum not to exceed \$1,750,361.00.

2b. Authorize the Director of Public Works to issue Orders on Contract (FGB Construction Company), for Project No. 4R 2004-1, Proposed 4R Pavement Management Program, for a sum not to exceed \$175,036.10.

Account No. 0905 4021 5777 C0283

0905 4021 5777 C0021 (bid opening July 6, 2004)

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

Mr. Poruban stated that they had received two bids for this; one of them was determined to be non-responsive. He indicated that Mr. Alvord was available to answer questions.

Mr. Alvord (DPW Director) explained that they had received the two bids one from Deering and the other was from FGB. In the bid package that was sent out to the bidders the timing for the paving to be done was set out clearly from August 1, 2004 to July 31, 2005. He referred to the bid form completed by Deering quoting "due to the instability of liquid asphalt costs and lack of an escalation cost the above quoted price can only be held until December 31, 2004. All work to be completed in the 2004 construction season". Mr. Alvord stated that that comment constitutes a material change from the requirement of the solicitation and makes it a non-responsive bid.

Mr. Hempstead directed his question to Corporation Counsel asking him if they concurred with this statement.

Mr. Ciccarello stated that he agreed with the statement made by Mr. Alvord.

Mr. Bondi said they were looking at a substantial amount of money (\$81,710) saying that they could do a lot of paving for that money and felt it would be prudent to go back and talk with Deering to see if he would take that comment out of his contract.

Mr. Alvord stated that they do not know that the savings would be \$81,000 as they submitted an incomplete bid as it was only for half a year. If they go back to Deering and allow them to remove this note they would then expose the city to significant risk of bid protest. He stated that the bid is non-responsive.

Mr. Poruban asked if Deering had worked with the city before. Mr. Alvord replied that they had.

Based on Mr. Alvord's response, Mr. Poruban confirmed that they are familiar with the bidding process. Mr. Alvord concurred.

Mr. Krummel said he saw two emails from Deering and asked Mr. Alvord to comment on them.

Mr. Alvord said one letter was from Mr. Deering sent one week ago, following the DPW meeting and the other was a shorter one sent to the Common Council members. Mr. Alvord noted that Mr. Deering's comments about savings were after all the bids had come in, he did not make any comment in a sealed bid package. Mr. Krummel referred to the letter in that Mr. Deering suggesting it was incumbent of Mr. Alvord to go back and discuss the difference and the reason it was being disqualified. He asked Mr. Alvord if this was common practice.

Mr. Alvord responded that it was not. He added that paving is done now when schools are not in session and Mr. Deering suggested (in his letter) that this was all wrong and could continue to do this without problem.

Mr. Wien referred to the letter from Deering, even with a major rise in prices he could still come in with a lower price.

Mr. Alvord said this comment is made after the bids were due, they do not know that this is the case because he would not c