

Common Council Actions

COMMON COUNCIL

ACTION

AUGUST 10, 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.

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, August 10, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut.

The Mayor Alex A. Knopp called the meeting to order at 8:05 pm and led the assembly into the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain Bruce Kimmel (absent)
Kenneth Baker Richard McQuaid
Fred Bondi Matthew Miklave
Michael Coffey (8:08 pm) Jeanette Olmstead-Sawyer (absent)
Carvin Hilliard Kevin Poruban
Douglas Hempstead (absent) Douglas Sutton
William Krummel Peter Wien
Leona Williams (8:08 pm)

There were ten (10) members present for Roll Call

II. ACCEPTANCE OF THE MINUTES

A. Regular Meeting – July 27, 2004

** MR. BONDI MOVED APPROVAL OF THE MINUTES AS PRESENTED.
** MOTION PASSED EIGHT (8) VOTES IN FAVOR, TWO ABSTENTIONS (MR. WIEN, MR. MIKLAVE) BY VOICE VOTE.

Mr. Coffey and Ms. Williams joined the meeting at 8:08 pm.

III. PUBLIC PARTICIPATION

John Lombardi indicated that he had attended the special meeting of the Common Council to discuss the teachers' contract. He said at that time he had asked Corporation Counsel to check if the previous extension had been filed with the Town Clerk. Mr. Lombardi said as of today and having checked with the Town Clerk's office that they could not find any record of this being filed. He asked if this was not filed, what would make this contract extension legal.

Larry Langhorn (NAACP) wished to reiterate their remarks made during the last time the teachers' contract was on the agenda and that the NAACP remains supportive of the contract saying that this is the right thing for the students and for the city.

John Mosley agreed with the comments of Mr. Langhorn. He said after working in Norwalk school system for a number of years he said the Common Council did a good job in rejecting the contract, however once the arbitrator has made the ruling it would be a waste of time and tax payers money to reject it again; he said let bygones be bygones.

Heather Rodin said that she hoped the Common Council would not reject the teachers' contract again. They have gone through all of the necessary positions and it is now time to put this behind them and move on.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Mayor Knopp announced the new director of the combined dispatch and emergency planning– Michael Dolhancrykl; he gave background information.

B. REMARKS

Mayor Knopp stated that today is the second day that the city has been without email as the system has gone down; he said he was extremely discouraged over the pathetic state of the information technology in the city hall. The email system that they have does not accommodate their needs and is vulnerable to viruses and therefore, the Mayor asked that any email that had been sent to or from City Hall be done so again tomorrow as there is no certainty that they would have been received/sent. The Mayor said he has asked Mr. Hamilton, the finance director for a recommendation of an upgrade of the hardware system and said they would need some part or full time person in the IT department.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**** MR. BONDI PRESENTED THE ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR FOR AUGUST 10, 2004.**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE AND TAXATION

1. RESOLVED, that a sum not to exceed \$15,280 be, and the same is hereby transferred from Contingency to the Department of Public Works to pay for a Maintainer I position (Account No. 01-4021-5110).

C. NORWALK FACILITIES CONSTRUCTION COMMISSION

1a. Authorize the Mayor, Alex A. Knopp to execute a contract with “West End Moving and Storage Co., Inc” for moving and storage services for the South Norwalk Library Additions and Renovations Project for an amount not to exceed \$17,618. Account #09006210-5777-C0153.”

1b. “Authorize the Mayor, Alex A. Knopp to include transit and property insurance within the contract for an additional amount not to exceed \$10,200”.

VII. COMMON COUNCIL COMMITTEES

A. PERSONNEL COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to approve the agreement to modify the Parking Operations Agreement dated October 27, 2003

2. EXECUTIVE SESSION: Approve the settlement agreement between City of Norwalk, NASA and Martin Overton.

B. PUBLIC WORKS COMMITTEE

1a. Authorize the sale of approximately 120 square feet of property currently comprising a portion of the common elements of the South Norwalk Railroad Station Condominium, situated adjacent to the rail tracks on the westbound side of the South Norwalk Railroad Station, to the Connecticut Department of Transportation for use in connection with its operation of rail facilities. The property to be conveyed is depicted on a certain Right of Way Survey entitled “Right of Way Survey Town of Norwalk Map Showing Land Acquired from South Norwalk Railroad Station Condominium A Commercial Condominium by the State of Connecticut Department of Transportation South Norwalk Railroad Station at a Scale of 1” = 20’, dated April 2003 and last revised March 2004, for a sum not to exceed \$3,000.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents on behalf of the City, as a unit owner of the South Norwalk Railroad Station Condominium, that may be necessary or desirable in connection with the proposed conveyance of a portion of the

common elements of the Condominium, including, but not limited to, a deed and a unit owners' agreement pursuant to the requirements of Section 47-254 of the General Statutes.

2. Authorize the Mayor, Alex A. Knopp, to execute a Quit Claim Release in order to transfer title to a certain vehicle from the City of Norwalk to LAZ Parking, LTD., for use in connection with its parking management operations for the Norwalk Parking Authority.

C. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the United States Department of Justice - Bureau of Justice Assistance under the 2004-2006 Local Law Enforcement Block Grant

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2004-2006 Local Law Enforcement Block Grant.

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

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

1. To consider the rejection of the Arbitration Award, dated July 29, 2004, in the matter to Norwalk Board of Education and Norwalk Federation of Teachers, pursuant to Section 153f (c) (7) of the Connecticut General Statutes.

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

Mayor Knopp stated that he would be recusing himself to avoid any possible conflict of interest, as his wife is a teacher and this agreement effects wages and benefits of teachers. He asked Mr. Bondi if he would take over proceedings.

Mr. McQuaid stated that he too would be recusing himself to avoid any possible conflict of interest.

Mr. McQuaid and Mayor Knopp left the Common Council Chambers at 8:20 pm.

Mr. Krummel said everybody knows that this Council has given much time in deliberating over this issue. The Council has been given the responsibility by state law to review and reject this contract. It is not intruding on the responsibilities of the Board of Education or its professional staff; it is very simply exercising the responsibility given by State Statute for the use of taxpayers' money. The arbitrator is not looking at this from the point of view of the use of the taxpayers' money. Mr. Krummel said that nothing has changed since his last vote on this contract; it is still the same. He asked why should he

change his vote; the arbitrator did not consider the problems of the taxpayers or the priorities of the educational system. The education of the children is top priority, no questions asked, and with that regret said he would be voting to reject the contract.

Mr. Miklave indicated that he approached this vote in a different way from when he voted last time because the process is different. He explained that the arbitration process under state law is unique in Connecticut as the arbitrator only has two choices, they can either accept the position of the NFT or to accept the position of the Board of Education, they could not split the decision, they could not try and reach a resolution between the parties, they could not convene an investigation. In this case, those positions were identical; the arbitrator had no authority to issue an award other than the award than the one he issued. The arbitration process is set up, where they are designed to reach an agreement, they are not there to consider the interests of the city of Norwalk, or the state – their job is to reach labor peace and harmony. An arbitrator is not there to do what is just and appropriate for everyone’s concerns. The State Statute also recognizes that the role of the Common Council is different to that of the arbitrator because even if the parties have agreed to the terms of the contract, this body still has the authority to accept it or reject it – that is their responsibility. Mr. Miklave said in his view this is a good contract for the teachers, it is a good contract for the Board of Education it is a bad contract for the city of Norwalk, and because of that he said he would have to vote to reject it. He said this has been spoken of as a cost saving contract, however he suggested that it was not a cost saving contract, they know that this year they will save approximately \$1.3 million, they also know to get that savings this year the city will have to spend approximately \$2.9 million next year. He said it is the responsibility of the Council to balance the needs of the city and it is their responsibility to protect the overall needs of the city.

Ms. Bain clarified that a vote yes, is a vote to reject the contract and a vote no is to let the contract stand. She said she was not able to be present during the last meeting and had a letter read into the record saying that she was in favor of the contract and that she was still in the same position.

Mr. Bondi referred to the question raised earlier by Mr. Lombardi asking if the previous contract had been filed with the Town Clerk.

Mr. Ciccarello (Corporation Counsel) said he had not checked but even if the Board of Education did not file with the Town Clerk he suggested that it would be too late now to take any action.

Mr. Bondi referred to the statement regarding the savings of \$1.3 million and if that money would be coming back to the city in surplus.

Dr. Corda (Superintendent of Schools) said in the budget reconciliation they took into account the belief that the agreement would generate \$1.3 million in savings and they would apply those savings towards the restoration of cuts that were made earlier in the process.

Mr. Bondi clarified that the money would be used.

Dr. Corda agreed that the money would be used to further the education programs.

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

VIII. RESOLUTIONS FROM COMMON COUNCIL

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. BAKER MOVED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:40 pm.

ATTEST: _____ Pam Stark, City Clerk