

***Common Council Actions***

**August 14, 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 8:15 p.m. and led the assembly in the Pledge of Allegiance.

**I. ROLL CALL**

Ms. Roman called the Roll. There were twelve (12) members present.

PRESENT: Michael Coffey Fred A. Bondi  
Carvin J. Hilliard Joanne T. Romano  
Kelly L. Straniti Douglas E. Hempstead  
Herbert A. Grant Gwen L. Briggs  
Rev. Phyllis Bolden William Krummel  
Douglas Sutton Kevin Poruban

ABSENT: Nicholas Kydes, Matthew Miklave and Richard McQuaid

Ms. Roman announced that there were twelve (12) present and three (3) absent.

**II. ACCEPTANCE OF MINUTES**

Regular meeting – July 24, 2007

**\*\* MR. BONDI MOVED THE MINUTES FROM THE COMMON COUNCIL MEETING OF JULY 24, 2007.**

The following corrections were noted:

Page 2, paragraph 4, line 4: please change “Kim Workway” to “Kim Morque.”

Page 3, paragraph 3 : please change the following pargraph from:

“Mr. Poruban then submitted a list of contractors to the Mayor and Corporation Counsel. Mr. Poruban said that he did not want to discourage anyone from serving but that he was uncomfortable with the situation. He stated that there was a situation with the previous administration that was similar to this one.”

To: “Mr. Poruban then submitted a list of contracts by Main Roofing to the Mayor and Corporation Counsel. Mr. Poruban said that he did not want to discourage anyone from serving but that he was uncomfortable with the situation. He stated that there was a similar situation with the previous administration and the nomination was withdrawn. The Mayor replied “Different strokes for different folks.”

\*\* THE MOTION TO APPROVE THE MINUTES OF THE COMMON COUNCIL MEETING OF JULY 24, 2007 AS CORRECTED PASSED UNANIMOUSLY.

### III. PUBLIC PARTICIPATION

Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.

The first speaker was Ms. Chelsea Kordas of 27 Deerfield Street. Ms. Kordas greeted the Council and said that she was a member of the Senators Community Foundation, a program from the Center for Youth Leadership at Brien McMahon High School. The mission of the program is to prevent child abuse. She said that she was present to speak in favor of the resolution regarding Child Abuse Prevention, which is on the agenda. She then asked the Council if they knew how many children were abused in Norwalk last year.

Mr. Bondi commented that there were too many.

Ms. Kordas then informed the Council that there were 246 abused children last year. To the member of the members of the Senators Community Foundation is 246 too many. That number represents 16% of the children abused last year in Norwalk’s District Reference Group, which includes Stamford, East Hartford and other towns. Another way of looking at 246 is realizing that somewhere in Norwalk, a child is abused or neglected every 36 hours. Ms. Kordas said that these were three of the reasons why the resolution on the agenda was so important. While the resolution provides important guidelines about child abuse prevention, Ms. Kordas announced that she had a practical step developed by the Senators Community Foundation that could be taken by all those present. She suggested that those present write down the letters “C”, “A” and “L” with the number 1-800-842-2288. The letters stand for Child Abuse Line, Ms. Kordas said and she encouraged everyone to enter the number into their cell phones.

She then thanked Council Member Romano on behalf of the Senators Community Foundation for the time that she devoted to researching and writing the resolution. She also thanked the members of the Council for keeping the issue of child abuse prevention on the agenda. Ms. Kordas said that the Senators Community Foundation looked forward to hearing about the ordinance regarding background checks for City employees, especially those who work with children.

Mr. John Lombardi of 2 William Street addressed the Council next. Mr. Lombardi said that he would like to address Agenda Item VII D 2 – Approval of the proposed Responsible Contractors Ordinance. Mr. Lombardi said he believed the Council had an

incorrect nomenclature for the item and that it should be called “unionized, socialized instruction ordinance”. Mr. Lombardi pointed out that the contractors who bid on the jobs between \$100,000 and \$400,000 would be required to provide a print out of their employees’ salaries so that the union could analyze the pay under F.O.I. It also puts the City in a position requiring constant checking that the work is being done. New construction that is less than \$400,000 would fall under the guidelines. Five years from now, \$400,000 will not represent a very large job. Mr. Lombardi suggested that the costs should be increased, if the resolution was to be passed. He suggested that range be adjusted annually to account for project cost increases. He then requested that the ordinance be sent back to the committee to be examined.

Mr. Lombardi then referred to Agenda Item VII B 1, where the Purchasing Agent would be bundling three different IT contract numbers together, which when totally, comes to \$355,000. He said that this was not new construction and therefore would not be affected by the new contractor ordinance anyway. Mr. Lombardi said that he felt the Council would be doing the City a disservice if the ordinance is passed as it currently stands.

Mr. Robert Burgess, of 37 Brooklawn Avenue, then addressed the Council. Mr. Burgess then stated that Attorney Zullo had called a meeting at his office with Carvin Hilliard, Bruce Morris and himself to meet with the developers regarding the 20 North Water Street project. Mr. Burgess said that he had been informed that as of right, the developer can tear down the building completely and provide 13 units for the Work Force housing offsite. He then proceeded to review the details of the meeting regarding Work Force housing as outlined in an email that had been sent to the Council Members on August 9th. He stated that his district had voted several times regarding any housing built in South Norwalk to have the 10% of affordable housing required to be on site. However because the law allows the affordable units to be offsite, Mr. Burgess said that he realized that he would have to negotiate with the developer. After much discussion, it was agreed that the number of units would be 17, rather than 13. Four would be onsite – 2 one bedroom and 2 studio units. The remaining units would be located offsite. He concluded that he hoped that the Council would approve the proposal.

Attorney Frank Zullo, who resides at 24 Sawmill Road, addressed the Council next. He stated that he was present as a representative of Tarragon, the developer for the 20 North Water Street project. Atty. Zullo then referred to a memo that the Council Members had received about the situation and said that he was new to the project. He then informed the Council that Tarragon Developers had purchase the project believing that all the approvals were in place. They then discovered that the 13 off site units had not met the approval of the Planning Committee or of the Common Council. The Zoning Commission had approved the 13 off site units, but when the project was presented to the Planning Committee, the proposal was tabled. Atty. Zullo said that there were strong concerns about the units being located on site. He said that the reason that the developer was present at the meeting was because of the City’s desire to maintain the historic façade. It is a high façade that exceeds the Urban Renewal limitations and Plan. This requires the Council’s approval. Because of the developer’s agreement to maintain the façade, the developer is required to appear before the Council. If the façade was not



maintained, the developer would not be required to appear before the Council because Zoning had already approved the 13 off site units. Atty. Zullo pointed out that maintaining the façade will cost the developer in excess of 1 million dollars because there are some floors that are 13 feet high. This means that two stories will not be possible in that space, forcing the building to go higher for the units. By not maintaining the façade, the developer can simply pay the \$218,000 per unit or building the units off site with only the permission of the Zoning Commission needed. Atty. Zullo said that the developer would like to maintain the façade.

Atty. Zullo pointed out that the negotiations opened with 13 units and after some good discussion with the group described by Mr. Burgess, the number of units was increased to 15. After meeting with Redevelopment, a request for two additional two-bedroom units was made. This was agreeable to the developer and would result in 7 units located on Connecticut Avenue, four units on site (2 single bedrooms and 2 studios) and 6 two-bedroom units instead of 4 two-bedroom units. The City will be getting 17 units instead of 13, but there will be more two-bedroom units. After determining that there were no two bedroom units at Connecticut Avenue, it was agreed that the 6 two bedroom unit would be “floating” and that the site would be determined with the Planning Committee of the Common Council, with the approval of the Redevelopment Agency within 3 miles of Water Street.

Atty. Zullo said that some politics had entered the picture, but he felt that Mr. Burgess, Mr. Hilliard and Mr. Morris should be praised for their hard work on the project. The interest of the City is to increase the housing stock of the affordable housing and this proposal will do that. He then urged the Council to put politics aside and look at the total picture, which is more housing resources in the community. Work Force housing and affordable housing is not low income. Atty. Zullo said that housing was not a popular subject and that the vote before the Zoning Commission passed by one vote. The developers negotiated with the Zoning Commission about this. He pointed out that there is a provision in the Zoning regulations that allows the housing to be on site or off site. This particular proposal is supported by the Redevelopment Agency and is better than the previous one supported by the Zoning Commission.

The Mayor then closed the Public Comment portion of meeting at 8:35 p.m.

#### IV. MAYOR

##### A. RESIGNATIONS AND APPOINTMENTS

Resignations:

Martha Lemmon – Board of Health

Mayor Moccia said that Ms. Lemmon had resigned her position on the Board of Health in order to take the position on the Oak Hill Authority.

Appointments:

Theresa Quell- Board of Health

**\*\* MR. BONDI MOVED TO APPROVE THE APPOINTMENT OF MS. THERESA QUELL TO THE BOARD OF HEALTH.**

Mr. Grant stated that he felt the nomination of Ms. Quell was an outstanding nomination. Mr. Grant said that she brought many qualifications to the position.

Mr. Hempstead said that Ms. Quell had come through the trenches but was now in an executive position. Her background would allow her to understand both sides of the issues.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Adam Blank – Zoning Commission (Alternate)

**\*\* MR. COFFEY MOVED TO APPROVE THE APPOINTMENT OF MR. ADAM BLANK TO THE ZONING COMMISSION AS AN ALTERNATE.**

Mr. Coffey said that Mr. Blank was a hard working attorney and would be a welcomed addition to the Zoning Commission with his legal background.

Mr. Hilliard said that he supported Mr. Blank also, as a fine, young man and individual. Mr. Hilliard said that this would be a plus for the City and the Zoning Commission.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The Mayor then thanked Mr. Blank for his willingness to serve and wished him the best.

Reappointment:

The Mayor announced that there were no reappointments at this time.

#### **B. REMARKS**

The Mayor stated that the report from the Advisory Commission on the Arts and Culture had been passed out. He said that the report had exceeded what he originally expected and the level of enthusiasm was admirable. He thanked all those who were involved in the project and said that he was looking forward to the development of Norwalk as a holistic city with many arts, cultural and entertainment offerings.

The Mayor said that there had been a press conference on August 13 regarding the situation in Washington Village with Rev. Bolden and Council Member Hilliard. A meeting was held today with some of the residents of Washington Village and the Housing Authority about this. There will be an increase in patrols and additional security

measures will be taken. It is important to work together aggressively with the community and the Police Department. Asset forfeiture money will be used to fund overtime and community policing. The Mayor said that he appreciated Rev. Bolden and Mr. Hilliard being at the press conference. Mr. Hilliard met with some of the resident at Washington Village regarding their concerns earlier this evening. There have been discussions about using security cameras not to spy on people but to keep people safe. The Mayor said he was grateful no one was hurt in the incident.

## V. COUNCIL PRESIDENT

### A. GENERAL COUNCIL BUSINESS

Mr. Coffey had no additional General Council Business at this time.

### B. CONSENT CALENDAR:

Mr. Coffey stated that Agenda Item VI A 1 regarding an executive session for discussion of pending litigation would be moved to the end of the meeting.

**\*\* MR. COFFEY THEN MOVED THE FOLLOWING ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR AND TO ADD THE FOLLOWING TWO ADDITIONAL ITEMS:**

### A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

**3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$74,122.00 FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT.**

**3a. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE ANY AND ALL AGREEMENTS NECESSARY TO IMPLEMENT THE JUSTICE ASSISTANCE GRANT (JAG).**

TO THE AGENDA.

## VII. COMMON COUNCIL COMMITTEES

### A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

**1. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Bioterrorism Program with the State of Connecticut Department of Public Health.**

2. Authorize the Mayor, Richard A. Moccia, to apply for and execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Per Capita Grant with the State of Connecticut Department of Public Health.

#### B. FINANCE COMMITTEE

1. Authorize the Purchasing Agent to issue Purchase Orders to the lowest qualified vendors for supply and installation of equipment, software and implementation services for the Windows 2003/2007 Active Directory Infrastructure Upgrade project for an amount not to exceed \$355,000.00. Accounts are 09050600-5777-C0286 and 0907/0908-0600-5777-C0375. Budgeted IT capital items, no special appropriation required.

#### E. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Approve the use of the Show Mobile by the Norwalk Seaport Association for the Annual Oyster Festival, September 7, 8, 9, 2007.

2. Approve the use of Taylor Farm by the Norwalk Sister City for a Kick Off for Simulated Run Norwalk to Nicaragua to be held Saturday, September 15, 2007 from 1:00pm – 2:30pm. Estimated attendance 100.

3. Authorize the Mayor, Richard A. Moccia to execute any and all documents (including attached project budget) needed to apply for, secure, accept and enter into a Contingency Needs Grants with the Office of Policy and Management on behalf of the Friends of Cranbury Park, for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

4. Authorize the Mayor, Richard A. Moccia to execute any and all documents (including attached project budget) needed to apply for, secure, accept and enter into a Contingency Needs Grants with the Office of Policy and Management on behalf of the Friends of Cranbury Park, for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

#### F. PUBLIC WORKS COMMITTEE

1. Approve the Necessity and Appoint Freeholders on the abandonment/ discontinuance of Putnam Avenue – South (between Reed Street and Pine Street Extension) pursuant to Section 5.6 of the Land Disposition and Development Agreement by and among the City of Norwalk, the Norwalk Redevelopment Agency and 95/7 Ventures, LLC.

2. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Almstead Tree and Shrub Care Co., for Project No. 2542, Tree Removal and Trimming Services for a term of one year with two one year extensions, for a sum not to exceed \$150,000 for FY 2007-08. Account No. 0140 29 5298

3. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Hi-Way Safety Systems for Project RD 2007-1, Proposed Painted Pavement Markings & Legends



at Various Locations, for a sum not to exceed \$191,205.00. Account No. 0908 4021 5777 C0021

4. Authorize the Mayor, Richard A. Moccia, to execute a Release/Quit Claim regarding the abandonment of Putnam Avenue North pursuant to Section 5.6 of the Land Disposition Agreement by and among the City of Norwalk, the Redevelopment Agency and 95/7 Ventures, LLC.

7. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to the Agreement with Vanasse Hangen Brustlin, Inc., to provide additional design scope for the traffic mast arm design in connection with the Main and Wall Intersection, for a sum not to exceed \$3,240. Account No.0902 4021 5777 C0232

8. Authorize the Director of Public Works to issue Orders on Contract to Deering Construction Company for Project 4R 2007-1, Proposed 4R Pavement Management Program, for a sum not to exceed \$450,000 and to extend the contract completion date to December 31, 2007.

Account No. 0908 4021 5777 C0021

9. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to withdraw the City of Norwalk from the Southwest Connecticut Regional Recycling Operating Committee (SWEROC).

10. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Malcolm Pirnie, Inc. for the development of a Stormwater Management Plan for a sum not to exceed \$400,000 [\$100,000 in current FY capital budget; remainder from Clean Water Fund grant pursuant to Connecticut Stormwater Authority Pilot Program]. Account No. 0908 4027 5777 C0425

#### G. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1a. Authorize the Mayor, Richard A. Moccia, to execute a contract with William B. Meyer, Inc. for providing moving services for the Norwalk High School Project for a total not to exceed \$ 62,140.00.

1b. Authorize the NFCC to issue change orders on contract for a total not to exceed \$6,200.00. Acct No. 0904-5010-5777-B0310

2. Authorize the Mayor, Richard A. Moccia, to execute an amendment to Silver/Petrucci and Associates, Inc. architectural/engineering design services contract for the Roton Middle School Project, in order to increase the current hazardous material monitoring allowance by \$17,000.00 for additional monitoring services associated with the abatement phase for the project. Acct No. 0904-5010-5777-B0312

#### H. PERSONNEL COMMITTEE



1. Approval of Collective Bargaining Agreement on Successor Contract between City of Norwalk and Grants, Local 2405 (10/1/2006 – 9/30/2009).

## VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

### A. CORPORATION COUNSEL

2. Approve Special Counsel for Waypointe Project

**\*\* MR. COFFEY MOVED TO REFER THE ITEM BACK TO THE PLANNING COMMITTEE.**

There was a brief discussion regarding this.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

## VII. COMMON COUNCIL COMMITTEES

### A. HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE

**\*\* REV. BOLDEN MOVED TO APPROVE THE FOLLOWING AGENDA ITEMS:**

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$74,122.00 FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT.

3A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL AGREEMENTS AND INSTRUMENTS NECESSARY TO IMPLEMENT THE JUSTICE ASSISTANCE GRANT (JAG).

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### C. PLANNING COMMITTEE

1. Approval of the proposed Workforce Housing Plan as presented as in compliance with the workforce housing requirements of the Washington – South Main Urban Renewal Plan (as amended) at 20 North Water Street, South Norwalk.

Mr. Krummel said that the Chairman of the Planning Committee, Mr. Miklave, was not present and that at the last meeting of the Planning Committee, there was not a quorum present.

**\*\* MR. KRUMMEL MOVED TO REFER THE APPROVAL OF THE PROPOSED WORKFORCE HOUSING PLAN AS PRESENTED AS IN COMPLIANCE WITH THE**

WORKFORCE HOUSING REQUIREMENTS OF THE WASHINGTON – SOUTH MAIN URBAN RENEWAL PLAN (AS AMENDED) AT 20 NORTH WATER STREET, SOUTH NORWALK BACK TO COMMITTEE.

\*\* THE MOTION TO SEND THE APPROVAL OF THE PROPOSED WORKFORCE HOUSING PLAN AS PRESENTED AS IN COMPLIANCE WITH THE WORKFORCE HOUSING REQUIREMENTS OF THE WASHINGTON – SOUTH MAIN URBAN RENEWAL PLAN (AS AMENDED) AT 20 NORTH WATER STREET, SOUTH NORWALK BACK TO COMMITTEE FAILED WITH THREE IN FAVOR (BOLDEN, HILLARD AND KRUMMEL) AND NINE AGAINST (COFFEY, PORUBAN, SUTTON, ROMANO, GRANT, BONDI, HEMPSTEAD, STRANITI, AND BRIGGS).

\*\* MS. ROMANO THEN MOVED THE FOLLOWING ITEM FOR DISCUSSION:

1. APPROVAL OF THE PROPOSED WORKFORCE HOUSING PLAN AS PRESENTED AS IN COMPLIANCE WITH THE WORKFORCE HOUSING REQUIREMENTS OF THE WASHINGTON – SOUTH MAIN URBAN RENEWAL PLAN (AS AMENDED) AT 20 NORTH WATER STREET, SOUTH NORWALK.

Mr. Poruban asked Mr. Sheehan, the Director of the Redevelopment Agency, to come forward to answer a question, which Mr. Sheehan did. Mr. Poruban then asked Mr. Sheehan if there was an agreement to have the Work Force Housing units on site. Mr. Sheehan replied that the agreement requires 13 units to be provided but does not specify they must be on site. However, if the units were located off site, the developer would need to come back for the Council's approval that the units be offsite. Mr. Poruban then stated that there was never anything that required that the units be located on site. Mr. Sheehan confirmed this, saying that the developer was required to provide 13 affordable units, but was not restricted to the on site location.

Mr. Coffey asked how it happened that a State Representative was involved in negotiation an agreement that was Common Council business. Mr. Coffey said that he did not think a State Representative should be negotiation on City functions. Mr. Sheehan said that in terms of doing community economic development, one of the issues was put forward to the Redevelopment Agency by the Council was having the community fully engaged. Mr. Sheehan said that his understanding of this was that the community became involved in terms of the District B committee because they heard from representatives of the Planning Committee about how the previous developer was actually handling the affordable housing requirements. The previous developer had determined that 100% of the affordable units would be offsite. This caused community concern. The Redevelopment Agency listens to community concerns and tries to resolve them, which is what Mr. Sheehan said the Agency was attempting to do with this situation. Mr. Coffey then recommended that in future similar situations, the Council be appraised of the event because Mr. Coffey as the Council President, read about it in the paper. Mr. Sheehan said that he would be happy to do that, but pointed out that the location of the units would be presented to the members of the Planning Commission for approval, along with the community officials that have come forward to express an interest in the project. Mr.

Sheehan said that the community needs to be an integral part of all the process and development initiatives as well.

Mr. Hilliard then had some questions about the Affordable Housing Appeals Act and the location of the units, which Mr. Sheehan reviewed the details with him. Mr. Hilliard said that it was his understanding that the affordable units needed to be the same size and have the same amenities as the market rate units. A discussion about the number of market rate units and the issue of the requirements followed. Mr. Sheehan said that the State attempts to regulate the percentage of the City's inventory of affordable housing.

Mr. Bondi asked where the 13 units would be located. Mr. Sheehan explained that the issue of the uncertainty of the location of the units resulted when the developer discovered that the previous developer had claimed that there were two bedroom units at Connecticut Avenue, but that there were no two-bedroom units at that site. It is not feasible to convert one-bedroom units into two bedrooms at Connecticut Avenue. Mr. Sheehan said that the Redevelopment Agency has sought a compromise by allowing the two bedroom units to be located within a three mile radius of the development site. The developer intends to have the units located closer to the development site rather than further away.

Mr. Bondi asked if these units were existing housing. Mr. Sheehan said that the intention was to look for existing housing because the development can't go forward with the site plan approval process through Zoning until the units have been identified. The units that are being considered are not currently deed restricted and therefore the State does not count them as affordable housing. This is one of the problems that the City has because the units that are actually priced affordably in Norwalk are not counted by the State unless they are deed restricted or if there is CHAFA financing or other public financing involved.

Mr. Bondi asked if the units were occupied at this time. Mr. Sheehan replied that they were. Mr. Bondi then pointed out that this would mean that there would not be 13 new units coming onto the market. Mr. Sheehan said that the issue would be that the units would become deed restricted, and therefore when the unit turned over, they could not be leased out or converted as condominiums at a higher price. The issue is to rapidly identify the units so that the project can move forward and all of the affordable housing would be of existing construction. Mr. Bondi said that he was not in favor of the fact that 13 new units would not be on the market. Mr. Sheehan replied that the deed restriction would keep the value of the units would stay in line with the Affordable Housing Appeals Act. Mr. Bondi then expressed concern that the units were already occupied. Mr. Sheehan said that with the sky rocketing prices, there have been massive moves over the years to the point where people could not afford to live in the units because of rent increase. South Norwalk was a prime example of this.

Mr. Hempstead said that for clarification, he knew that when this project was first presented, he said that one issue that was not addressed was the time frame that the units had to be provide by and what assurance does the Council have the units will acquired.



Mr. Sheehan said that the trigger mechanism is that the developer can not move into the site plan approval stage until the units have been identified. The intent at this point is to acquire and to acquire quickly to move the project forward. Mr. Hempstead said that when the developer moves forward on the site plan approval application, they would not only be able to show location but also ownership. Mr. Sheehan said that this was correct.

Mr. Hempstead then asked if the developer decided to tear the building down rather than keep the historic façade, would they need Council approval. Mr. Sheehan said that the developer would not have to come back to the Common Council. Mr. Hempstead then asked why that was. Mr. Sheehan said that the Council had approved an amendment to the Urban Renewal Plan not the plan itself and that the Urban Renewal Plan amendment basically allows for the preservation of the façade. As long as the design guidelines are in compliance with the Zoning and the existing Urban Renewal Plan, the project could process without Council approval. Mr. Sheehan then went on to speak to the issue of preserving the historic façade, which the Redevelopment Agency has been concerned about preserving in South Norwalk for the last thirty years. Many of the previous Councils, along with the present Council have expressed concerns about maintaining the design features in South Norwalk. Allowing new construction to come in would eradicate the integrity of the entire corner block. Mr. Sheehan said that it could be possible to end up with more offsite housing, a project that is not mixed use and the loss of a façade.

Mr. Hempstead said that he wished to state for the record that ownership would be acquired prior to the presentation of the site plans and that there would not be any accident where the façade fell down. He stressed the importance of making sure that the compromise was being made on this basis.

Mr. Krummel then thanked his esteemed colleague, Mr. Bondi, for raising an important question regarding the 13 offsite units and then asked Mr. Sheehan who the current owner was. Mr. Sheehan said that he believe the current owner was Carl Keener. Mr. Krummel then reviewed the details of the units and said that the units would not be immediately available. Mr. Sheehan said that the occupants could renew the lease, but the lease would be structured in a manner that would be in accordance with the Affordable Housing Appeals Act because the units would be deed restricted. Mr. Krummel then asked if the Redevelopment Agency was planning on obtaining the ownership of the units. Mr. Sheehan said that the Agency does not wish to acquire the property. Mr. Krummel said that he understood this to mean that the City only was increasing the affordable housing units via deed restriction. Practically, in terms of availability, these units are not available because they are already occupied and leases are involved. Mr. Sheehan said that he was not certain that all of them were occupied but that they were available on the market. Mr. Krummel commented that since it was uncertain that the units were occupied, the Council should assume that the units were occupied. Mr. Sheehan said that what was clear was that the units were not classified as affordable today. Mr. Krummel then said that he was inclined to vote against this item because the City would not be getting the 10% required affordable units available when the project was completed, but also the fact that he was concerned about diversity in housing. While there has been some agreement to onsite affordable housing, but in reality there will not



be 10% on or offsite when the project is completed because the units are already occupied under the lease arrangements. He added that this would not maintain the diversity within the site itself. Looking forward to other upcoming project, Mr. Krummel said that he would not be in favor of having this project setting a prescient. Mr. Krummel said that personally, he felt that his understand of the project was not complete and more needed to be done to have the developer provide affordable units on site in accordance with the guidelines of 10%.

Mr. Sheehan then asked if he could give a point of clarification to understand the concerns. He asked Mr. Krummel if in terms of going into the South Norwalk community and improving existing units, Mr. Krummel would consider this as an improvement in the affordable housing inventory of the City. Mr. Krummel said that in terms of the present discussion, it would have to be qualified, particularly as to whether the units were available at the time the project is completed. Mr. Sheehan said that the developer would have control of the property of 6 two-bedroom units because the developer would negotiate with the current owner. Mr. Sheehan said that the Agency would have to go back and implement whatever the Council's desires on for the project and it is helpful for them to understand it. He added that going into distressed neighborhoods and increasing and improving the housing conditions that exist there is a good thing. Providing the affordable housing in those neighborhoods and maintaining it is also a good thing. Mr. Sheehan said that he was trying to understand how that would be in violation of what would be a 10% either on or offsite requirement. Mr. Krummel replied that it was important to be careful about what the term "availability" means. He said that when a project is completed, the units would be there for people who satisfy the income requirements to enter into contract to occupy. Mr. Sheehan then asked how these units would not be available when the project was completed. Mr. Krummel replied because they would be already occupied by the current tenants under lease arrangements. Mr. Sheehan said that he felt that he was on safe ground assuming that most leases in Norwalk were of one year duration and that the project would take more than a year, so there was no prohibition on the part of the owner from changing the property, improving it, or converting the units into a condominium. Mr. Krummel said that he felt that the facts were important, such as how many of the units were owned, how many were occupied by tenants, what the lease arrangements are and other details to help evaluate whether these units will in fact be available when the project is completed.

Mr. Sheehan stated that there were two facts that needed to be considered. Currently, the affordable housing inventory is going down. At the turn of the census, there has been a significant rise in the residential inventory. Currently, Norwalk was at 10.8% and with the new units added in the last decade, Norwalk will most likely be below the requirement.

The second fact is that the units under consideration are not counted in the City's affordable housing inventory.

Mayor Moccia then said that it was his understanding that 17 affordable units would then give the City 170 market rate units to help Norwalk stay above the 10% mandate. Mayor

Moccia then said that the current occupants of the units may be paying much higher rent now than they would be if the affordable housing units. He said that the condition would have to be that they have to meet the criteria for the units and have the occupants with the affordable requirements as mentioned. Mayor Moccia said that he did not dispute that there are exceptions, but as Mr. Hempstead pointed out the City is trying to maintain a historical building, trying to bring 25,000 sq. ft. of retail space into SoNo to generate more business and a larger tax base through market rate units that will pay taxes and keep our 10% or greater affordable housing rate. Tarragon has to move forward with their financing. Therefore, it is important to move the project forward and acknowledge that there will be 17 more work force units for the City. Tarragon does not have to do this, they could knock the building down and start from scratch. The Mayor said that this was a point to consider. The developer will have to work it out with the Connecticut Avenue residents who may be paying more than they would under the Affordable Housing rates now. The Mayor said that he felt the Redevelopment Agency and the other agencies involved have done a very good job in monitoring their own programs and how it is handled.

Mr. Hilliard had some questions about the phrase “offsite” and asked what other cities had offsite provisions. Mr. Sheehan explained that Stamford and Norwalk both have offsite provisions and clarified some of the details.

Mr. Grant then said that in re-reading the memo, he said that the whole issue was a proposal. Mr. Sheehan agreed, stating that it was the Common Council that needed to make the determination. Mr. Grant then asked if there was a time line linked to this entire project. Mr. Sheehan said that if the question was whether the proposal is compliance with the Urban Renewal Plan as proposed, then the developer would secure the six remaining units and also secure the seven identified units at 50 Connecticut Avenue. Once these were secured, then the site plan would be filed. In terms of that time line, Mr. Sheehan said that the developer would move very quickly because they are ready to file for site plan approval.

Ms. Candace Schafer came forward and introduces herself to the Council and stated that she was from Tarragon. She then reviewed the time line structure by saying that according to the Zoning permits and the application for a building permit, which would occur as soon as possible, Tarragon must have the units identified and have site control. This means there is a time line, but it is not stated. Mr. Grant asked for more details and Ms. Schafer then reviewed the details with him. Atty. Zullo added that this project cost about 15 million dollars to purchase and a construction mortgage will be difficult to obtain until all the approvals are in place. Atty. Zullo said that the developer can not languish for six or eight months after having paid 15 million dollars for the project. Mr. Grant said that he still had concerns that the units would not be readily available when the construction was completed. Ms. Schaefer said that at 50 Connecticut Avenue, the developer has an agreement with the previous owner, a price has been agreed upon and the units would in fact be a “donation” in order to deed restrict the units. Ms. Schaefer said that her group was simply looking to identify additional two bedroom units. Atty. Zullo then stated that the Zoning regulations state “work force housing shall be

developed simultaneously with or prior to the development of other units.” He then quoted another section that stated that “the final certificate of occupancy prior to the request for the certificate of occupancy for the original onsite units.” The zoning regulations dictate when the units must be completed.

Mr. Grant then expressed some concerns about the current tenants of the units. Ms. Schaefer said that no one would be displaced, but she also said that Mr. Sheehan had addressed this issue earlier. When the lease is up for renewal, the occupant would have to fit the criteria for affordable housing guidelines. Ms. Schaefer repeated that the occupants of the units would have to be within the guidelines but that no one would be displaced. When the lease comes up for renewal, then it will not be renewed for the given tenant unless they fit the guidelines. Mr. Sheehan said that the Affordable Housing Act actually prohibits displacement and allows the unit to come in as an affordable unit until such time as the unit becomes unoccupied. At that time, the next inhabitant of the unit must meet the State criteria. Mr. Grant said that it would have been helpful to have received a memo regarding this issue prior to the meeting.

Atty. Zullo pointed out that Norwalk’s current rating is at 10.8% and the State will re-examine the City’s affordable inventory in 2010. Atty. Zullo said that the developments on Route 7, at Pepperidge Farm and the Avalon projects, which will have a few hundred units each. Atty. Zullo said that there was no doubt in his mind that Norwalk would end up under 10%, which means that the burden of proof will rest with the City, not the developer. These units will add to the available housing stock and to the 10.8% that is needed.

Mr. Bondi had some questions about the exact location of 50 Connecticut Avenue, which Mr. Sheehan explained for him. Mr. Bondi commented that the building had been constructed a number of years ago. He went on to express concerns about counting old units as affordable housing when the other units will be newly constructed. He illustrated this by pointing out in Stamford, the city had taken an old low income housing project and replace the buildings with new affordable units. This proposal was allowing old units to be counted rather than newly constructed units. Mr. Sheehan said that if it was the desire of the Zoning Commission that the premise was a new unit per newly constructed units that should have been included. If this was the desire of the Planning Committee and the Council in approving the amendment to the Urban Renewal Plan, then it should have been stated. It is not in either document. Mr. Sheehan said that to come back at this stage of the game and tell the development community and the Agency that will institute the desires of the Council and the Planning Commission is quite unfair. Mr. Sheehan stated that the Redevelopment Agency was advancing the number of affordable housing units in the City. A discussion about this issue followed. It concluded with Mr. Bondi stating that he was against the proposal.

Mr. Hempstead then said that regarding old building versus new building that Arch Street, a historic building was a former housing rehabilitation. He commented that the issue works both ways because a tenant could have a landlord announce that the rent was being raised \$300, forcing the tenants out because they could no longer afford it. A deed



restriction would prevent that from happening. In the end, the guidelines from the State will want to know what is on the record that is deed restricted. Mr. Hempstead said that this could be protecting an asset. Whether the Council likes the idea of the origins of the housing, the developer agreed to this particular portion of the project because time is money. Because of the renegotiations, the City will be getting more units than required by law. In the end, it is a net gain. But, Mr. Hempstead cautioned everyone that the market is a little queasy right now. If the developer can move forward and the City can manage to have a net gain of deed restricted affordable housing units, Mr. Hempstead said that it was important to look at this as a holistic view and move forward. He added that that he agreed with a statement that Mr. Coffey made earlier that it was not just a District B issue, but a Norwalk issue because the City is looking for affordable housing for Norwalk residents.

Mr. Coffey said that he believed that the record for Norwalk is exceptional for affordable housing stock. He also pointed out that the surrounding towns of New Canaan, Darien, and Westport are nowhere near 10%. Norwalk does adhere to the state guidelines of 10%, but Mr. Coffey said that if Norwalk drops down below 10%, then the State will not penalize the City. Mr. Sheehan said that the Agency concurs with Mr. Coffey's view and feels that the stick does not work and there needs to be more carrots in the tool box. Mr. Coffey pointed out that there is no better representative for the City than the elected public officials.

RECESS

Mr. Coffey then declared a recess at 9:50 p.m. The Council returned to session at 10:15 p.m.

The Mayor took a moment after calling the meeting back to order to wish Patrick Lindsay, one of the Norwalk Hour reporter, best wishes on his recent acceptance to UConn Law School.

**\*\* MR. COFFEY MOVED TO SEND AGENDA ITEM VII C 1: APPROVAL OF THE PROPOSED WORKFORCE HOUSING PLAN AS PRESENTED AS IN COMPLIANCE WITH THE WORKFORCE HOUSING REQUIREMENTS OF THE WASHINGTON – SOUTH MAIN URBAN RENEWAL PLAN (AS AMENDED) AT 20 NORTH WATER STREET, SOUTH NORWALK BACK TO COMMITTEE FOR A PUBLIC HEARING.**

**\*\* THE MOTION FAILED WITH SIX IN FAVOR (COFFEY, GRANT, BOLDEN, HILLIARD, BONDI, AND KRUMMEL) AND SEVEN AGAINST (PORUBAN, ROMANO, SUTTON, HEMPSTEAD, STRANITI. BRIGGS AND MOCCIA).**

**\*\* THE MOTION TO APPROVE AGENDA ITEM VII C 1. APPROVAL OF THE PROPOSED WORKFORCE HOUSING PLAN AS PRESENTED AS IN COMPLIANCE WITH THE WORKFORCE HOUSING REQUIREMENTS OF THE WASHINGTON – SOUTH MAIN URBAN RENEWAL PLAN (AS AMENDED) AT 20 NORTH WATER STREET, SOUTH NORWALK PASSED WITH EIGHT IN**



FAVOR (COFFEY, PORUBAN, ROMANO, SUTTON, BONDI, HEMPSTEAD, STRANITI, AND BRIGGS) AND FOUR AGAINST (GRANT, BOLDEN, HILLIARD, AND KRUMMEL).

D. ORDINANCE COMMITTEE

\*\* MR. COFFEY THEN MOVED AGENDA ITEMS VII D 1A & VII D 1B:

1A. APPROVE PROPOSED OTHER POST-EMPLOYMENT BENEFITS TRUST ORDINANCE.

1B. AUTHORIZE THE MAYOR, RICHARD A. MOCCCIA, AND THE CITY COMPTROLLER, FREDERIC GILDEN, TO EXECUTE THE OTHER POST-EMPLOYMENT BENEFITS TRUST AGREEMENT.

Mr. Krummel said that he had concerns with the post employment benefits financing and the Government Accounting Standards Board, (“GASB”) because there has been quite a bit of concern over the application of Federal Guidelines to State funds for medical benefits and pensions. In New Jersey, there has been discussion about bankruptcy because they did not establish the correct standards for setting up the funds according to the Federal guidelines. Mr. Krummel then referred the Council to Article Four, Section 2 where the proposal stated “The City shall make contributions to the Trust from time to time as it may, in its sole discretion.” Mr. Krummel said that he was concerned that the contributions that the City makes to the fund must be according to the General Accounting Office (GAO) guidelines. He then asked if those words could be included in the proposal. Mayor Moccia then said that there was there might be some confusion regarding the Government Accounting Standards Board, (“GASB”) and the General Accounting Office (GAO) and requested that Mr. Lewis from the Finance Office come forward and explain this. Mr. Lewis stated that GASB was the authority by which the municipalities act and create these types of funds. Mr. Lewis then reviewed the details of the agreement with Mr. Krummel.

Mr. Krummel then said that he would prefer that the wording be changed to ““The City shall make contributions to the Trust from time to time as it may, shall be in accordance to the Government Accounting Standards Board ” rather than the phrase “in its sole discretion”. Mr. Lewis said that he would have to defer to Atty. Nolin and Atty. Nolin said that he would have to defer the matter to special outside legal counsel because he had not drafted this particular piece of proposed legislation.

Mr. Krummel said that he was sure that the Council was aware of the issue, which is appearing across the country where certain states had not adequately funded their pension funds. Mayor Moccia then pointed out that Norwalk was one of the first municipalities to get contributions from the unions of 1%. That is why this ordinance was established. The Mayor then directed everyone’s attention to where it stated “all required employee contributions shall be deposited in a reasonable period of time.” This is to protect the employees’ contributions, but the City has already proved to the bond rating agencies that

by establishing the fund that the City is complying with some of the GASB requirements for accrual basis rather than try to catch up, as other municipalities and the State of Connecticut is doing right now. The Mayor then gave a quick overview of how this would work. He said that Mr. Krummel was correct about the situation, but that this was a step towards establishing the correct methods.

Mr. Krummel said that he wanted to be sure that this fund was set up properly and “accrual basis” were good words to hear. He said that he was looking for good legal accounting support. There was a brief discussion about whether the document would go back for rewording. Atty. Nolin suggested that the Council could approve the creation of the Trust with the direction that it be administered in accordance with applicable accounting principles. Mr. Krummel said that would be fine. The Mayor then pointed out that in the sixth and seventh paragraphs of the opening statement say “Whereas the City calculates and records the expenses and liabilities of OPEB Benefits pursuant to Government Accounting Standards Board (“GASB”) Statement 45 (“GASB 45”); Whereas consistent with the provision of GASB 45 and GASB Statement 43 (“GASB 43”)”. Atty. Nolin repeated his earlier suggestions that the approval be given with the stipulations that it be administered according to GASB requirement without changing the language of the actual document. Mr. Krummel agreed and the Mayor commented Mr. Krummel had a good point and that it was a confusing issue that took him months to figure out the GASB guidelines.

**\*\* MR. KRUMMEL THEN MOVED TO AMEND THE FOLLOWING:**

**1A. APPROVE PROPOSED OTHER POST-EMPLOYMENT BENEFITS TRUST ORDINANCE.**

**1B. AUTHORIZE THE MAYOR, RICHARD A. MOCCCIA, AND THE CITY COMPTROLLER, FREDERIC GILDEN, TO EXECUTE THE OTHER POST-EMPLOYMENT BENEFITS TRUST AGREEMENT.**

**WITH THE STIPULATION THAT THE TRUST FUND BE ADMINSTRATED IN ACCORDANCE WITH THE GOVERNMENT ACCOUNTING STANDARDS BOARD, (“GASB”) REQUIREMENTS.**

**\*\* THE MOTION TO AMEND AGENDA ITEM VII D 1 A & VII D 1B PASSED UNANIMOUSLY.**

**\*\* MR. KRUMMEL THEN MOVED TO APPROVAL OF THE FOLLOWING AMENDED AGENDA ITEM:**

**1A. APPROVE PROPOSED OTHER POST-EMPLOYMENT BENEFITS TRUST ORDINANCE.**

1B. AUTHORIZE THE MAYOR, RICHARD A. MOCCCIA, AND THE CITY COMPTROLLER, FREDERIC GILDEN, TO EXECUTE THE OTHER POST-EMPLOYMENT BENEFITS TRUST AGREEMENT.

WITH THE STIPULATION THAT THE TRUST FUND BE ADMINSTRATED IN ACCORDANCE WITH THE GOVERNMENT ACCOUNTING STANDARDS BOARD, (“GASB”) REQUIREMENTS.

#### D. ORDINANCE COMMITTEE

2. Approve proposed Responsible Contractors Ordinance.

\*\* MR. COFFEY MOVED AGENDA ITEM VII D 2.

Mr. Coffey stated that he wished to propose an amendment to the Ordinance. He then directed the Council’s attention to Section C, which reads :

C. All contracts entered into by the City of Norwalk contemplating work utilizing trades or occupations for which state certified apprenticeship programs exist shall incorporate provisions requiring the contractor and all lower tiered subcontractors to be affiliated with such programs. The contractor or any lower tiered subcontractor may be relieved from compliance with the provisions of this subsection if provisions of existing labor agreements prevent compliance with the requirements hereof. In that event, prior to commencement of performance, the contractor or subcontractor shall submit their reasons for such action in writing along with supporting documents to the city. The contractor and all lower tiered subcontractors shall submit such relevant documents and other information as may be requested by the city to determine compliance with this section. In order to monitor compliance with this section the city may request relevant information and documentation from the contractor or from subcontractors at anytime during the term of the contract. The contractor shall comply with or arrange for compliance with all such requests within seven days.

He stated that the following statement should be inserted before the first paragraph “All contractors for construction projects which utilize apprenticeable trades or occupations in the performance of contracts subject to the following requirements:

- a.) The contractors shall be affiliated with a state certified apprenticeship program for each apprenticeable trade or occupation represented in its workforce.
- b.) A minimum of 15% of the workforce by trade employed by contractors on any or all City contracts subject to the requirements of this section shall be apprentices and, of this number 50% shall be in the first year of apprenticeship training.

Mr. Coffey stated that he wished to incorporate this into the ordinance. He went on to say that there were a number of positive discussions at the public hearing. Many people, including the State Attorney General, the Mayor, members of the public and other officials spoke in favor of this. Mr. Coffey said that this was a positive move for the City.



Ms. Briggs commended Mr. Coffey for initiating the proposal and said that it would be benefit to the city. She also expressed concern about enforcement because it appears that the City Purchasing Department would be enforcing the ordinance. She said that she would like to see further work done on this.

Mr. Hempstead said that while he liked the proposal, he would like to propose a few amendments. He then directed the Council's attention to Section A 5.

**\*\* MR. HEMPSTEAD MOVED TO AMEND AGENDA ITEM VII D 2 - THE NORWALK RESPONSIBLE CONTRACTOR ORDINDANCE, SECTION A 5 FROM "SUBCONTRACTORS IS LESS THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)" TO "SUBCONTRACTORS IS LESS THAN FIFTY THOUSAND DOLLARS (\$50,000.00)."**

Mr. Hempstead said that it would clarify matters a bit more. Mayor Moccia said that he had expressed concerns about situations involving emergency repairs, such as road work.

**\*\* THE MOTION FAILED WITH THREE IN FAVOR (ROMANO, HEMPSTEAD AND STRANITI) AND EIGHT AGAINST (COFFEY, PORUBAN, SUTTON, BOLDEN, HILLIARD, BONDI, BRIGGS AND KRUMMEL) AND ONE ABSTENTION (GRANT).**

Mr. Hempstead said that may be contracts that were currently being executed and suggested that the date of the ordinance taking effect should be moved back to November 30, 2007 to allow the contracts currently underway to clear without being affected. He also pointed out that there would be significant staff time involved in putting the ordinance in effect.

**\*\* MR. HEMPSTEAD MOVED TO AMEND AGENDA ITEM VII D 2 - THE NORWALK RESPONSIBLE CONTRACTOR ORDINDANCE TO TAKE EFFECT ON NOVEMBER 30, 2007.**

**\*\* THE MOTION FAILED WITH FOUR IN FAVOR (ROMANO, HEMPSTEAD BONDI, AND STRANITI), SEVEN AGAINST (COFFEY, PORUBAN, SUTTON, BOLDEN, HILLIARD, BRIGGS AND KRUMMEL) AND ONE ABSTENTION (GRANT).**

Mr. Hempstead suggested that a provision be added about public projects should not include City contracts concerning the resurfacing or patching of any City roads or parking lots.

**\*\* MR. HEMPSTEAD MOVED TO AMEND AGENDA ITEM VII D 2 - THE NORWALK RESPONSIBLE CONTRACTOR ORDINDANCE, SECTION A TO STATE THAT THE PUBLIC PROJECTS NOT INCLUDE CITY CONTRACTS CONCERNING THE RESURFACING OR PATCHING OF ANY CITY ROADS OR PARKING LOTS.**



Mayor Moccia commented that the State does exempt certain highway projects from this types of ordinances. He said that paving is different from constructing a building and having this type of restriction on a paving contract could make executing the project difficult.

**\*\* THE MOTION FAILED WITH FOUR IN FAVOR (ROMANO, HEMPSTEAD BONDI, AND STRANITI) AND EIGHT AGAINST (COFFEY, PORUBAN, SUTTON, BOLDEN, HILLIARD, BRIGGS, GRANT AND KRUMMEL).**

**\*\* MR. COFFEY MOVED TO APPROVE AGENDA ITEM VII D 2 - THE NORWALK RESPONSIBLE CONTRACTOR ORDINANCE AS FOLLOWS:**

#### **NORWALK RESPONSIBLE CONTRACTOR ORDINANCE**

**A. ALL CONTRACTS ENTERED INTO BY THE CITY OF NORWALK FOR THE CONSTRUCTION, ALTERATION OR REPAIR OF ANY PUBLIC BUILDING OR PUBLIC WORK AND EMPLOYING MECHANICS, LABORERS AND WORKER IN THE PERFORMANCE OF WORK UNDER THE CONTRACT SHALL INCORPORATE THE FOLLOWING PROVISIONS:**

**(1) CONSISTENT WITH THE REQUIREMENTS OF THE NORWALK MUNICIPAL CHARTER, CONCERNING THE EMPLOYMENT OF MECHANICS, LABORERS AND WORKERS, THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS SHALL GIVE EMPLOYMENT PREFERENCE TO CITIZENS OF THE NORWALK LABOR MARKET AREA AS ESTABLISHED BY THE STATE LABOR COMMISSIONER IN ACCORDANCE WITH CHAPTER 557, PART III, AND SECTION 7-112 OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED.**

**(2) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS MAY HIRE MECHANICS, LABORERS AND WORKERS WHO RESIDE OUTSIDE THE NORWALK LABOR MARKET AREA IF PROVISIONS OF EXISTING LABOR AGREEMENTS PREVENT COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, OR IF THE SPECIFICALLY REQUIRED SKILLS ARE NOT AVAILABLE IN THE NORWALK LABOR MARKET. IN EITHER EVENT, PRIOR TO COMMENCEMENT OF PERFORMANCE, THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS SHALL SUBMIT THEIR REASONS FOR SUCH ACTION IN WRITING ALONG WITH SUPPORTING DOCUMENTS TO THE CITY. SUCH DOCUMENTS MAY CONSIST OF, BUT NEED NOT BE LIMITED TO, LABOR AGREEMENTS, LISTS OF NAMES AND ADDRESSES OF MECHANICS, LABORERS AND WORKERS OR LABOR REPRESENTATIVES CONTACTED IN THE NORWALK LABOR MARKET AREA AND LISTS OF REQUIRED POSITIONS FOR WHICH PERSONNEL WERE NOT AVAILABLE IN THE NORWALK LABOR MARKET AREA. THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS SHALL SUBMIT SUCH RELEVANT DOCUMENTS AND OTHER INFORMATION AS MAY BE REQUESTED BY THE CITY TO DETERMINE COMPLIANCE WITH THIS SECTION. IN ORDER TO MONITOR COMPLIANCE WITH THIS SECTION THE CITY MAY REQUEST RELEVANT**

INFORMATION AND DOCUMENTATION FROM THE CONTRACTOR OR FROM SUBCONTRACTORS AT ANY TIME DURING THE TERM OF THE CONTRACT. THE CONTRACTOR SHALL COMPLY WITH OR ARRANGE FOR COMPLIANCE WITH ALL SUCH REQUESTS PROMPTLY.

(3) PRIOR TO THE COMMENCEMENT OF PERFORMANCE OF CONTRACTS GOVERNED BY THIS SECTION THE CONTRACTOR SHALL FORWARD A WRITTEN STATEMENT INDICATING THE NAME, ADDRESS AND OCCUPATIONAL TITLE OF EACH MECHANIC, LABORER AND WORKER SCHEDULED TO PERFORM WORK FOR THE CONTRACTOR UNDER THE CONTRACT. THE CONTRACTOR SHALL INSURE THAT ALL LOWER TIERED SUBCONTRACTORS PROVIDE SIMILAR INFORMATION TO THE CITY WITH RESPECT TO THEIR MECHANICS, LABORERS AND WORKERS. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL FILE WRITTEN AMENDMENTS TO PREVIOUSLY FILED STATEMENTS WHENEVER NEW MECHANICS, LABORERS OR WORKERS PERFORM WORK UNDER THE CONTRACT. ALL SUCH AMENDED STATEMENTS SHALL BE FILED 48 HOURS BEFORE ANY NEW MECHANIC, LABORER OR WORKER COMMENCES WORK UNDER THE CONTRACT.

(4) EVERY TWO WEEKS DURING THE TERM OF THE CONTRACT THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS PERFORMING WORK UNDER THE CONTRACT SHALL FORWARD PAYROLL RECORDS TO THE CITY COVERING THE PRECEDING TWO-WEEK CONTRACT PERIOD.

(5) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS PERFORMING WORK UNDER THE CONTRACT MUST COMPLY WITH THE OBLIGATIONS ESTABLISHED UNDER STATE AND FEDERAL LAWS TO PAY PREVAILING WAGES TO THEIR EMPLOYEES. PURSUANT TO THE PROVISIONS OF SUBSECTION 31-53(G) OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED, THE PREVAILING WAGE REQUIREMENTS DO NOT APPLY TO REHABILITATION, REMODELING, REFINISHING, REFURBISHING, ALTERATION OR REPAIR OF ANY PROJECT WHERE THE TOTAL COST OF ALL WORK PERFORMED BY CONTRACTORS AND SUBCONTRACTORS IS LESS THAN ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) OR, WITH RESPECT TO NEW CONSTRUCTION, WHERE THE TOTAL COST OF ALL WORK PERFORMED IS LESS THAN FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00).

B. ALL CONTRACTS ENTERED INTO BY THE CITY OF NORWALK FOR THE CONSTRUCTION, ALTERATION OR REPAIR OF ANY PUBLIC BUILDING OR PUBLIC WORK SHALL CONTAIN THE FOLLOWING PROVISIONS PROVIDING FOR EQUAL OPPORTUNITY IN EMPLOYMENT.

(1) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS AGREE AND WARRANT THAT IN THE PERFORMANCE OF WORK UNDER THIS CONTRACT THEY SHALL NOT DISCRIMINATE OR PERMIT DISCRIMINATION IN EMPLOYMENT AGAINST ANY PERSON OR GROUP OF PERSONS ON THE GROUNDS OF RACE, COLOR, RELIGIOUS CREED, AGE, MARITAL STATUS, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR ON THE BASIS OF PHYSICAL OR MENTAL DISABILITY, INCLUDING, BUT NOT LIMITED TO,

BLINDNESS, UNLESS IT IS SHOWN BY SUCH CONTRACTOR OR SUBCONTRACTOR THAT SUCH DISABILITY PREVENTS PERFORMANCE OF THE WORK UNDER THE CONTRACT. THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS ALSO AGREE THAT FOR PURPOSES OF MONITORING COMPLIANCE WITH THE PROVISIONS OF THIS SECTION THEY SHALL PROVIDE THE CITY WITH SUCH INFORMATION AS MAY BE REQUESTED CONCERNING THEIR EMPLOYMENT PRACTICES AND PROCEDURES. FOR PURPOSES HEREOF, DISCRIMINATION IN EMPLOYMENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, EMPLOYMENT ADVERTISING, RECRUITMENT, LAYOFF, TERMINATION, RATES OF PAY OR OTHER FORMS OF COMPENSATION, CONDITIONS OR PRIVILEGES OF EMPLOYMENT AND SELECTION FOR APPRENTICESHIP.

(2) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS SHALL POST NOTICES IN CONSPICUOUS PLACES ON THE PROJECT SITE DESCRIBING THE PROVISIONS OF THIS SUBSECTION.

(3) NOTHING CONTAINED HEREIN IS INTENDED OR SHALL BE CONSTRUED TO RELIEVE ANY CONTRACTOR OR SUBCONTRACTOR FROM COMPLIANCE WITH APPLICABLE FEDERAL OR STATE LAW CONCERNING EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION OR NON-DISCRIMINATION.

C. ALL CONTRACTORS FOR CONSTRUCTION PROJECTS WHICH UTILIZE APPRENTICEABLE TRADES OR OCCUPATIONS IN THE PERFORMANCE OF CONTRACTS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

(A.) THE CONTRACTORS SHALL BE AFFILIATED WITH A STATE CERTIFIED APPRENTICESHIP PROGRAM FOR EACH APPRENTICEABLE TRADE OR OCCUPATION REPRESENTED IN ITS WORKFORCE.

B.) A MINIMUM OF 15% OF THE WORKFORCE BY TRADE EMPLOYED BY CONTRACTORS ON ANY AND ALL CITY CONTRACTS SUBJECT TO THE REQUIREMENTS OF THIS SECTION SHALL BE APPRENTICES AND, OF THIS NUMBER, A MINIMUM OF 50% SHALL BE IN THE FIRST YEAR OF APPRENTICESHIP TRAINING.

ALL CONTRACTS ENTERED INTO BY THE CITY OF NORWALK CONTEMPLATING WORK UTILIZING TRADES OR OCCUPATIONS FOR WHICH STATE CERTIFIED APPRENTICESHIP PROGRAMS EXIST SHALL INCORPORATE PROVISIONS REQUIRING THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS TO BE AFFILIATED WITH SUCH PROGRAMS. THE CONTRACTOR OR ANY LOWER TIERED SUBCONTRACTOR MAY BE RELIEVED FROM COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION IF PROVISIONS OF EXISTING LABOR AGREEMENTS PREVENT COMPLIANCE WITH THE REQUIREMENTS HEREOF. IN THAT EVENT, PRIOR TO COMMENCEMENT OF PERFORMANCE, THE CONTRACTOR OR SUBCONTRACTOR SHALL SUBMIT THEIR REASONS FOR SUCH ACTION IN WRITING ALONG WITH SUPPORTING DOCUMENTS TO THE CITY. THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS SHALL SUBMIT SUCH RELEVANT DOCUMENTS AND OTHER INFORMATION AS



MAY BE REQUESTED BY THE CITY TO DETERMINE COMPLIANCE WITH THIS SECTION. IN ORDER TO MONITOR COMPLIANCE WITH THIS SECTION THE CITY MAY REQUEST RELEVANT INFORMATION AND DOCUMENTATION FROM THE CONTRACTOR OR FROM SUBCONTRACTORS AT ANYTIME DURING THE TERM OF THE CONTRACT. THE CONTRACTOR SHALL COMPLY WITH OR ARRANGE FOR COMPLIANCE WITH ALL SUCH REQUESTS WITHIN SEVEN DAYS.

D. ALL CONTRACTS ENTERED INTO BY THE CITY OF NORWALK FOR THE CONSTRUCTION, ALTERATION OR REPAIR OF ANY PUBLIC BUILDING OR PUBLIC WORK SHALL CONTAIN THE FOLLOWING PROVISIONS CONCERNING TREATMENT OF EMPLOYEES.

(1) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS PERFORMING WORK UNDER THE CONTRACT SHALL PROPERLY CLASSIFY MECHANICS, LABORERS AND WORKERS AS EMPLOYEES RATHER THAN AS INDEPENDENT CONTRACTORS AND TREAT THEM AS EMPLOYEES FOR PURPOSES OF WORKERS' COMPENSATION, INSURANCE COVERAGE, UNEMPLOYMENT TAXES, SOCIAL SECURITY AND INCOME TAX WITHHOLDING.

(2) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS MUST FURNISH, AT THEIR EXPENSE, HOSPITALIZATION AND MEDICAL BENEFITS AND COVERAGE FOR ALL OF THEIR EMPLOYEES EMPLOYED ON THE WORK UNDER THE CONTRACT.

(3) FOR PURPOSES OF THIS SUBSECTION, ANY PERSON WHO MEETS NINE (9) OR MORE OF THE FOLLOWING CRITERIA SHALL BE CONSIDERED AN EMPLOYEE:

(I) THE PERSON IS REQUIRED TO COMPLY WITH COMPANY INSTRUCTIONS ABOUT WHEN, WHERE, AND HOW WORK IS DONE;

(II) THE PERSON HAS BEEN TRAINED BY THE COMPANY;

(III) THE PERSON IS INTEGRATED INTO THE COMPANY'S GENERAL BUSINESS OPERATIONS;

(IV) THE PERSON MUST RENDER SERVICES PERSONALLY;

(V) THE PERSON USES ASSISTANTS PROVIDED BY THE COMPANY;

(VI) THE PERSON HAS A CONTINUING RELATIONSHIP WITH THE COMPANY;

(VII) THE PERSON IS REQUIRED TO WORK A SET NUMBER OF HOURS;

(VIII) THE PERSON MUST DEVOTE SUBSTANTIALLY FULL TIME WORK TO THE COMPANY;

(IX) THE PERSON WORKS AT THE COMPANY'S PREMISES OR JOB SITE;

(X) THE PERSON MUST PERFORM WORK IN A PRESET SEQUENCE;

(XI) THE PERSON MUST SUBMIT REGULAR PROGRESS REPORTS;

(XII) THE PERSON IS PAID BY THE HOUR, WEEK, OR MONTH; PAYROLL DEDUCTIONS INCLUDE FEDERAL AND/OR STATE INCOME TAXES, FICA INSURANCE;

(XIII) THE PERSON IS REIMBURSED FOR ALL BUSINESS AND TRAVEL EXPENSES;

(XIV) THE PERSON USES COMPANY TOOLS AND MATERIALS;

(XV) THE PERSON HAS NO SIGNIFICANT INVESTMENT IN THE FACILITIES

THAT ARE USED;

(XVI) THE PERSON HAS NO RISK OF LOSS;

(XVII) THE PERSON WORKS FOR ONLY ONE COMPANY;

(XVIII) THE PERSON DOES NOT OFFER SERVICES TO THE PUBLIC;

(XIX) THE PERSON CAN BE DISCHARGED BY THE COMPANY;

(XX) THE PERSON CAN TERMINATE THE RELATIONSHIP WITHOUT INCURRING LIABILITY.

(4) THE CONTRACTOR AND ALL LOWER TIERED SUBCONTRACTORS PERFORMING WORK UNDER THE CONTRACT AND UTILIZING THE SERVICES OF MECHANICS, LABORERS OR WORKERS WHO ARE NOT CLASSIFIED AS EMPLOYEES UNDER THIS SUBSECTION SHALL PROVIDE WRITTEN NOTICE TO SAID MECHANICS, LABORERS AND WORKERS OF THEIR STATUS AS INDEPENDENT CONTRACTORS. SAID NOTICE SHALL INCLUDE A PROVISION ADVISING THE MECHANICS, LABORERS AND WORKERS THAT THEY ARE NOT ELIGIBLE FOR WORKERS' COMPENSATION, HEALTH INSURANCE, OR UNEMPLOYMENT COMPENSATION FROM THE CONTRACTOR OR SUBCONTRACTOR.

E. THE CONTRACTOR SHALL INCORPORATE THE REQUIREMENTS OF THIS SECTION IN EACH SUBCONTRACT AND REQUIRE THAT EACH SUBCONTRACTOR INCORPORATE THE REQUIREMENTS OF THIS SECTION IN ALL SUBSEQUENT SUBCONTRACTS SUCH THAT ALL LOWER TIERED SUBCONTRACTORS PERFORMING WORK UNDER THE CONTRACT SHALL BE BOUND BY THE TERMS HEREOF.

F. IF THE CITY DETERMINES THAT THE CONTRACTOR OR ANY LOWER TIERED SUBCONTRACTOR HAS FAILED TO COMPLY WITH ANY PROVISION OF THIS CHAPTER, IN ADDITION TO ANY OTHER REMEDY AVAILABLE TO IT, THE CITY MAY REQUIRE THE CONTRACTOR TO TAKE CORRECTIVE ACTION OR THE CITY MAY, AT ITS SOLE OPTION, TERMINATE THE CONTRACT.

#### F. PUBLIC WORKS COMMITTEE

5. Authorize extension of retainage agreement with Holland and Knight in connection with the Solid Waste Disposal Operation, for a sum not to exceed \$100,000. Account No. 01 0000 2275

\*\* MR. KRUMMEL MOVED AGENDA ITEM VII F 5: AUTHORIZE EXTENSION OF RETAINAGE AGREEMENT WITH HOLLAND AND KNIGHT IN CONNECTION WITH THE SOLID WASTE DISPOSAL OPERATION, FOR A SUM NOT TO EXCEED \$100,000. ACCOUNT NO. 01 0000 2275.

Mayor Moccia then asked Mr. Alvord how much the other towns that are working with Norwalk on this issue had contributed. Mr. Alvord gave him the figure and came forward to explain that there were six towns that were working with Norwalk on this project. He also said that the RFP that is currently being drafted was confidential, but that the other

towns had presented their checks and the money was in the bank. Mr. Alvord then reviewed the Solid Waste Account and the tipping fee structure for the Council.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

6. Authorized the Mayor, Richard A. Moccia, to execute any and all documents with State of Connecticut - Department of Public Utility Control (DPUC), Connecticut Light & Power (CL&P) and Independent System Operator-New England (ISO-New England) necessary to apply for, receive and implement energy grants/incentives relating to the installation of an emergency generator at Norwalk City Hall.

**\*\* MR. KRUMMEL MOVED AGENDA ITEM VII F 6 : AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS WITH STATE OF CONNECTICUT - DEPARTMENT OF PUBLIC UTILITY CONTROL (DPUC), CONNECTICUT LIGHT & POWER (CL&P) AND INDEPENDENT SYSTEM OPERATOR-NEW ENGLAND (ISO-NEW ENGLAND) NECESSARY TO APPLY FOR, RECEIVE AND IMPLEMENT ENERGY GRANTS/INCENTIVES RELATING TO THE INSTALLATION OF AN EMERGENCY GENERATOR AT NORWALK CITY HALL.**

Mr. Poruban asked why the specific program was not named in the proposal. Mr. Alvord said that while there was a specific program, but it was a combination of various programs. This is actually an incentive program offered by CL&P for energy load shedding. By installing an 800 kilowatt generator and committing it to load shedding for 15 years, the program could provide the City with approximately \$125,000 towards the cost of installing the generator, which costs roughly between \$350,000 and \$400,000. There was a brief discussion about this issue. Mr. Alvord said that the proposal was for authorization for the Mayor to sign whatever documents were needed for the program through ISO New England. Mr. Poruban said that it looked like a blanket authorization. Mr. Alvord said that it was essentially the same program that the City is currently enrolled with regarding the standby generators in the Third Taxing District. Mayor Moccia commented that this program is actually a grant. Mr. Alvord concurred. Rev. Bolden asked if the generator would be owned by the City. Mr. Alvord stated that it would be owned by the City.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

## VIII. RESOLUTIONS FROM COMMON COUNCIL

Resolution from the Common Council of the City of Norwalk supporting the Policy and Behavior Code of Conduct to Protect Children from Abuse.

Whereas, the Common Council supports efforts to enhance policies and laws already in place by the City of Norwalk, State of Connecticut and the Federal Government to protect the well-being of children,



Whereas, this Policy is a statement of intent that demonstrates a commitment to safeguard children from harm and makes clear what is required in relation to the protection of children,

Whereas, this Policy helps to create a safe and positive environment for children and to show that the organization is taking its duty and responsibility of care seriously,

Whereas, this Policy will provide guidelines and standards to protect children from physical/mental abuse, sexual predators, racial discrimination, negligent treatment and other exploitations,

Whereas, the City of Norwalk takes pride in children and strives to protect them in every way possible and this policy will act as a guideline for all those who work directly or indirectly with children,

Whereas, these procedures will offer practical guidance, tools and support to assist the City of Norwalk staff and representatives to overcome obstacles that may confront them in addressing child protection issues in their work environment.

Now, Therefore Be It Resolved, that the Common Council of the City of Norwalk hereby supports the institution of the Policy and Behavior Code of Conduct to Protect Children from Abuse.

Ms. Romano stated that she had one small amendment to the Resolution from the Common Council of the City of Norwalk supporting the Policy and Behavior Code of Conduct to Protect Children from Abuse. She stated she also wished to correct an error on page 4, of The Common Council of the city of Norwalk, 2007 Resolution Policy and Behavioral Code of Conduct to Protect Children from Abuse Under Standard 2, which reads as:

#### STEPS FOR REPORTING SUSPECTED ABUSE:

1. Concern about suspected, witnessed, reported or potential abuse of a child/children by: member or members of staff, visitors to ; another child/children at residential centre.
2. Discuss your concerns with the Child Protection Officer at the City of Norwalk or where the alleged offense occurred, preferably on the same working day or within 24 hours of the incident. If the Child Protection Officer is absent, or if your concerns involve the Child Protection Officer him/herself however, discuss your concerns with Human Resources/Administration Manager.
3. Action is taken by the Child Protection Officer/Human Resource Manager to ensure the child is safe as a priority and then to investigate the matter. This may require consultation with more senior management and is guided by the Child Protection Policy and procedures. Further guidance in this respect:

1. The best interest of the child must guide all decisions. In situations where difficult decisions need to be made the reporting and reaction protocols must remain, child focused at all times, above and beyond the demands of bureaucracy.
2. If your concerns involve immediate harm to a child, act without delay, as inaction may place the child in further danger.
3. If you know any information about the maltreatment of a child, it is your responsibility to tell someone.
4. In certain instances, there will be the obligation for and its staff and others to report concerns to the appropriate external bodies, such as the police or social welfare department. This will usually occur as a consequence of the reporting procedure. However, if urgent action is required in order to protect children then it may be prior to the reporting procedure.
5. The responsibility for investigating allegations of child abuse rests with the Police and Social Welfare Department. Child Protection Officer may seek legal advice of the Social Welfare department or Police in deciding whether a formal referral to the authorities is necessary. If it is decided that external reporting should not take place then there must be a clear rationale for that decision which should be recorded. The decision not to report in such circumstances should be unanimously approved by the Board of Management and the Child Protection Officer.
6. If a decision is made to place the child in an alternative place of safety, the decision must be based upon the child's best interest rather than those of convenience.
7. A written report with a description of the incident(s), the findings of the investigation and the decisions and actions taken needs to be prepared by the Child Protection Officer and submitted to the Services Coordinators and Directors as soon as the incident has been investigated.
8. 4. Involvement of authorities (i.e. local police and/or Social Welfare Department/DCF).

This section should be renumbered as below:

#### STEPS FOR REPORTING SUSPECTED ABUSE:

Concern about suspected, witnessed, reported or potential abuse of a child/children should be addressed as follows:

- a. Discuss your concerns with the Child Protection Officer at the City of Norwalk or where the alleged offense occurred, preferably on the same working day or within 24 hours of the incident. If the Child Protection Officer is absent, or if your concerns involve

the Child Protection Officer him/herself however, discuss your concerns with Human Resources/Administration Manager.

b. Action is taken by the Child Protection Officer/Human Resource Manager to ensure the child is safe as a priority and then to investigate the matter. This may require consultation with more senior management and is guided by the Child Protection Policy and procedures. Further guidance in this respect:

c. The best interest of the child must guide all decisions. In situations where difficult decisions need to be made the reporting and reaction protocols must remain, child focused at all times, above and beyond the demands of bureaucracy.

d. If your concerns involve immediate harm to a child, act without delay, as inaction may place the child in further danger.

e. If you know any information about the maltreatment of a child, it is your responsibility to tell someone.

f. In certain instances, there will be the obligation for and its staff and others to report concerns to the appropriate external bodies, such as the police or social welfare department. This will usually occur as a consequence of the reporting procedure. However, if urgent action is required in order to protect children then it may be prior to the reporting procedure.

g. The responsibility for investigating allegations of child abuse rests with the Police and Social Welfare Department. Child Protection Officer may seek legal advice of the Social Welfare department or Police in deciding whether a formal referral to the authorities is necessary. If it is decided that external reporting should not take place then there must be a clear rationale for that decision which should be recorded. The decision not to report in such circumstances should be unanimously approved by the Board of Management and the Child Protection Officer.

h. If a decision is made to place the child in an alternative place of safety, the decision must be based upon the child's best interest rather than those of convenience.

i. A written report with a description of the incident(s), the findings of the investigation and the decisions and actions taken needs to be prepared by the Child Protection Officer and submitted to the Services Coordinators and Directors as soon as the incident has been investigated.

j. Involvement of authorities (i.e. local police and/or Social Welfare Department/DCF).



Mayor Moccia commended Council Member Romano for all her hard work on this project and also said that the students from Brien McMahon's Senators Community Foundation were also to be commended for their hard work in this area.

Mayor Moccia said for the record that this resolution will be distributed to all City Departments.

Mr. Grant asked who would be responsible for enforcement. Mayor Moccia then asked Atty. Nolin if this was a policy code, if the City would have to enforce it. Atty. Nolin said that this would be the first step and would indicate the direction of the Council and policy of the City. Mr. Grant said that it would be important to be sure that there was consistent wording that would indicate authority.

Mayor Moccia said that concerns had also been raised about where the document refers to a Child Protection Officer because it concerns education.

Mr. Hempstead suggested that the resolution be amended to say that the City pursue a policy and action plan for implementing these guidelines.

**\*\* MR. HEMPSTEAD MOVED TO AMEND THE RESOLUTION FROM THE COMMON COUNCIL OF THE CITY OF NORWALK SUPPORTING THE POLICY AND BEHAVIOR CODE OF CONDUCT TO PROTECT CHILDREN FROM ABUSE TO DESIGN PROCEDURES TO IMPLEMENT THESE GUIDELINES.**

Mayor Moccia commented that some of the language in the guidelines state that the Human Relations "will recommend and collaborate and develop" rather than recommend. Atty. Nolin said that this resolution was just a recommendation.

Mr. Poruban said that he had concerns and that this was a non-binding action. He then commended Ms. Romano for all the work she had done in preparing this document. Mr. Poruban then suggested that the resolution be sent to the Personnel Committee as part of the employment policy. Ms. Romano said that the resolution states that the Council is in favor of having a policy. The policy can be amended through the Personnel Committee or the Health, Welfare & Public Safety Committee. The resolution simply states that the Council approves maintaining the standards for children. The more emphasis placed on the abuse or missing children, the more that people will be aware of it.

Mr. Coffey commended Ms. Romano for this resolution and said that the resolution should receive the full support of the Council.

Mr. Hempstead said that if the opening line of the resolution "Resolution from the Common Council of the City of Norwalk supporting the Policy and Behavior Code of Conduct to Protect Children from Abuse" was changed to read "Resolution from the Common Council of the City of Norwalk for the purpose of providing guidance and establishing the Policy and Behavior Code of Conduct to Protect Children from Abuse".

Mr. Hempstead went on to say that while he commended Ms. Romano for her passion in this area, he was truly impressed with the students from Brien McMahon, because it was not an easy subject for high school students to take on.

Mr. Grant then added that the resolution should also be amended to include the following in the last sentence: Now, Therefore Be It Resolved, that the Common Council of the City of Norwalk hereby supports the institution of the Policy and Behavior Code of Conduct to Protect Children from Abuse” to  
“Now, Therefore Be It Resolved, that the Common Council of the City of Norwalk hereby supports the institution of the Policy and Behavior Code of Conduct to Protect Children from Abuse and the City is requested to implement these policies.”

**\*\* MR. COFFEY MOVED TO AMEND THE RESOLUTION FROM THE COMMON COUNCIL OF THE CITY OF NORWALK SUPPORTING THE POLICY AND BEHAVIOR CODE OF CONDUCT TO PROTECT CHILDREN FROM ABUSE” AS FOLLOWS:**

**RESOLUTION FROM THE COMMON COUNCIL OF THE CITY OF NORWALK FOR THE PURPOSES OF SUPPORTING THE POLICY AND BEHAVIOR CODE OF CONDUCT TO PROTECT CHILDREN FROM ABUSE.**

**WHEREAS, THE COMMON COUNCIL SUPPORTS EFFORTS TO ENHANCE POLICIES AND LAWS ALREADY IN PLACE BY THE CITY OF NORWALK, STATE OF CONNECTICUT AND THE FEDERAL GOVERNMENT TO PROTECT THE WELL-BEING OF CHILDREN,**

**WHEREAS, THIS POLICY IS A STATEMENT OF INTENT THAT DEMONSTRATES A COMMITMENT TO SAFEGUARD CHILDREN FROM HARM AND MAKES CLEAR WHAT IS REQUIRED IN RELATION TO THE PROTECTION OF CHILDREN,**

**WHEREAS, THIS POLICY HELPS TO CREATE A SAFE AND POSITIVE ENVIRONMENT FOR CHILDREN AND TO SHOW THAT THE ORGANIZATION IS TAKING ITS DUTY AND RESPONSIBILITY OF CARE SERIOUSLY,**  
**WHEREAS, THIS POLICY WILL PROVIDE GUIDELINES AND STANDARDS TO PROTECT CHILDREN FROM PHYSICAL/MENTAL ABUSE, SEXUAL PREDATORS, RACIAL DISCRIMINATION, NEGLIGENT TREATMENT AND OTHER EXPLOITATIONS,**

**WHEREAS, THE CITY OF NORWALK TAKES PRIDE IN CHILDREN AND STRIVES TO PROTECT THEM IN EVERY WAY POSSIBLE AND THIS POLICY WILL ACT AS A GUIDELINE FOR ALL THOSE WHO WORK DIRECTLY OR INDIRECTLY WITH CHILDREN,**

**WHEREAS, THESE PROCEDURES WILL OFFER PRACTICAL GUIDANCE, TOOLS AND SUPPORT TO ASSIST THE CITY OF NORWALK STAFF AND REPRESENTATIVES TO OVERCOME OBSTACLES THAT MAY CONFRONT**

THEM IN ADDRESSING CHILD PROTECTION ISSUES IN THEIR WORK ENVIRONMENT.

NOW, THEREFORE BE IT RESOLVED, THAT THE COMMON COUNCIL OF THE CITY OF NORWALK HEREBY SUPPORTS THE INSTITUTION OF THE POLICY AND BEHAVIOR CODE OF CONDUCT TO PROTECT CHILDREN FROM ABUSE AND THE CITY IS REQUESTED TO IMPLEMENT THESE POLICIES.”

\*\* THE MOTION PASSED UNANIMOUSLY.

#### IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to any future date at this time.

#### X. SUSPENSION OF THE RULES

There were no suspensions of the rules to consider at this time.

#### VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

##### A. CORPORATION COUNSEL

##### 1. Renu Gupta v. City of Norwalk

\*\* MR. BONDI MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LEGISLATION REGARDING RENU GUPTA V. THE CITY OF NORWALK.

The Council, the Mayor and Atty. Nolin entered into Executive Session for the purposes of discussing pending legislation at 11:08 p.m. The Council returned to public session at 11:12 p.m.

\*\* MS. ROMANO MOVED TO APPROVE THE SETTLEMENT.

\*\* THE MOTION PASSED UNANIMOUSLY.

#### XI. ADJOURNMENT

\*\* MS. ROMANO MOVED TO ADJOURN.

\*\* THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 11:13 p.m.

Respectfully submitted,



Sharon L. Soltes  
Telesco Secretarial Service

