

Common Council Actions

September 26, 2006
NORWALK, CONNECTICUT 8:00 P.M. DST COUNCIL CHAMBERS

Mayor Moccia called the meeting to order at 8:06 p.m. and led the Assembly in reciting the Pledge of Allegiance.

ROLL CALL

Ms. Roman called the Roll. At Roll Call there were fourteen (14) members present.

Michael Coffey Rev. Phyllis Bolden Nicholas Kydes (8:10 p.m.)
Matthew Miklave Carvin Hilliard
Kevin Poruban Fred Bondi
Joanne Romano Douglas Hempstead
Douglas Sutton Kelly Straniti
Herbert Grant Gwen Briggs
Richard McQuaid William Krummel

ACCEPTANCE OF MINUTES

Regular meeting – September 12, 2006

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

The following corrections were made to the minutes:

Page 1 – Three should be corrected to read Five

Page 11 – Mr. Miklave's comments should include that he was opposed to the amendment to give the authority to a sub-committee of the Common Council.

Page 11 – add the following motion:

**** MR. GRANT MOVED TO EXTEND THE AUTHORIZATION TO THE COMMITTEE**

Mr. Kydes arrived at 8:10 p.m.

**** MOTION PASSED UNANIMOUSLY**

PUBLIC PARTICIPATION

Mr. Bob Storms spoke about the 28 Briar Street project.

MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: There were no resignations.

Reappointment: Andrew A. Glickson – Norwalk Transit District

**** MR. COFFEY MOVED THE REAPPOINTMENT OF ANDREW A. GLICKSON TO THE NORWALK TRANSIT DISTRICT**

Mr. Coffey said that he applauded this reappointment. Mr. McQuaid said that Mr. Glickson has served in this position for over twenty years.

**** MOTION PASSED UNANIMOUSLY**

**** MR. COFFEY MOVED TO SUSPEND THE RULES TO MAKE THE FOLLOWING FOUR (4) APPOINTMENTS**

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

Appointments:

**** REV. BOLDEN MOVED THE FOLLOWING APPOINTMENT TO THE HUMAN RELATIONS COMMISSION**

Daisy Franklin - Human Relations Commissions

Rev. Bolden said that she has known Ms. Franklin for over 26 years and she is a wonderful, warm person who loves her community. She is a fair, honest and positive person.

Mr. McQuaid said that He served with Ms. Franklin on the NEON Board and she is a great team player.

Mr. Hilliard said that Ms. Franklin has a sense of service to the community. She will be a good fit to the Commission. She is open minded and very concerned about people's individual rights.

Mr. Coffey said that Ms. Franklin is a great appointment.

Ms. Romano said that she had the pleasure of meeting Ms. Franklin and that she is pleased to support this appointment.

Mr. Hempstead said that Ms. Franklin has the patience of a saint.

Mr. Grant said that there are three terms that describe Ms. Franklin – tenacity, determination and drive. He said that she will be a great asset.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

**** MR. COFFEY MOVED THE FOLLOWING APPOINTMENT TO THE HUMAN RELATIONS COMMISSION**

Lucy Romeo - Human Relations Commissions

Mr. Coffey said that she will be a good fit on this Board and will bring new and unique knowledge. He added that she came through the open government initiative.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

**** MR. COFFEY MOVED THE FOLLOWING APPOINTMENT TO THE HUMAN RELATIONS COMMISSION**

Samuel Wright – Human Relations Commissions

Mr. Hempstead said that Mr. Wright will be a great addition to the Commission.

Mr. McQuaid said that Mr. Wright was another person who wants to get involved.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

**** MR. HEMPSTEAD MOVED THE FOLLOWING REAPPOINTMENT TO THE HUMAN RELATIONS COMMISSION**

Carol Frank – Human Relations Commission

Mr. Hempstead said that Ms. Frank have been involved with the Commission. She is very straightforward and speaks her mind.

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

REMARKS

Mayor Moccia thanked Council members who attended the Nathaniel Ely School groundbreaking ceremony. Mayor also acknowledged Mr. Oswald Lewis, the new budget director.

COUNCIL PRESIDENT

GENERAL COUNCIL BUSINESS

Mr. Coffey said that the Master Plan is moving along with the help of Mr. Briggs. He announced the formation of the Head of the Harbor Redevelopment Committee that will be looking at the Land Disposition Agreement for the Redevelopment area. The Committee will be comprised of himself, Mr. Hempstead, Mr. Hilliard, Mr. Miklave, Mayor Moccia, Mr. Briggs and Mr. Paul Jones. The Committee will be staffed by Tim Sheehan and the Redevelopment Agency.

Mr. Coffey also formally announced the formation of the Power Committee and asked Councilman Krummel to give a brief outline. Mr. Krummel said that the Committee will include himself, Mr. Hilliard, Mr. Briggs, Mr. Poruban, Mr. Hempstead and Mr. Kydes. Their first meeting took place on September 18th where they adopted several objectives for the Committee. The Committee will be staffed by Mr. Alvord. Their next meeting will take place on October 16th at 7:30 p.m.

CONSENT CALENDAR:

** MR. COFFEY MOVED THE FOLLOWING CONSENT CALENDAR

The following items are on consent: VI. B.1; VII. A.1-7; VII. B.2,3,5,7; VII. C.1-7, 9a, 9b.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

B. CORPORATION COUNSEL

1. Proposed Tolling Agreement on Potential Claim. EXECUTIVE SESSION

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

Accept the Report of the Claims Committee Dated September 14, 2006.

Authorize the Purchasing Agent to issue a purchase order to Hanson Data Systems for the purchase and 1 year maintenance of a Tally Genicom Line Printer for an amount not to exceed \$7,689, account 09060600-5777-C0387 (IT Capital; approved items, no special appropriation required) (ITT approved)

To approve the 2005/2006 Desktop Refresh Program with the following activities (ITT approved):

Authorize the Purchasing Agent to issue purchase orders for 42 personal computers,

according to City IT Department specifications, for an amount not to exceed \$54,274.57, account 09070600-5777-C0375 (IT Capital) (Desktop Technology Refresh).

Authorize the Purchasing Agent to issue a purchase orders to a qualified vendor for the inventory, sanitization, preparation for resale and/or responsible disposal of obsolete electronic equipment in accordance with City Procurement Guidelines for an amount not to exceed \$3,200 account 09070600-5777-C0375 (IT Capital) (Electronic Asset Disposal Program).

Authorize the Purchasing Agent to issue purchase orders for the replacement of up to 10 aging printers for an amount not to exceed \$4,000 account 09070600-5777-C0375 (IT Capital) (Desktop Technology Refresh/Printers)

Authorize the Purchasing Agent to issue a purchase order to Tyler Technologies for the purchase and 1 year maintenance for Tyler Forms Processing for an amount not to exceed \$34,669, account 11310-5253 (ITT approved).

Resolution, appropriating \$10,132,715 for State financed portion of School projects for Norwalk High School Renovation (Project Account No. 09075010-5799-B0310).

Authorize the Mayor, Richard A. Moccia, to sign an amendment to the Milliman, USA contract to authorize Milliman, USA to perform the actuarial equivalence testing and actuarial attestation for the City's 2007 Medicare Part D filing for an amount not to exceed \$7,020.00.

Authorize the Mayor, Richard A. Moccia, to execute the contract with Chan Krieger & Associates to complete the Plan of Conservation and Development for a sum not to exceed \$82,126 (including a 10% contingency).

B. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

Approve the use of the Show Mobile by the Norwalk Weed & Seed for Celebrating Success to be held on Saturday, September 30, 2006 in Ryan Park.

Approve the use of the Show Mobile by the Alzheimer's Associations for their Annual Memory Walk to be held on Sunday, October 1, 2006 from 7:30 AM – 12:00 PM in Calf Pasture Beach.

Technical correction Item 11, Recreation and Parks July 19, 2006 Meeting.

Authorize the Mayor, Richard A. Moccia to execute an agreement with "Southport Engineering Associates, P.C." for design service for Brien McMahon High School Baseball Field Lighting/Power distribution for a sum not to exceed \$5,300.00. (Including a \$500.00 allowance for reimbursable expenses.)

7. Authorize the Mayor, Richard A Moccia to enter into an agreement with the Sound Cyclists Bicycle Club for use of Shady Beach for their Annual Bloomin Metric Event to be held on Sunday, May 20, 2007 from 6:00am – 6pm. Set-up will take place on Saturday, May 19, 2007 at Noon and clean up by Sunday, May 20, 2007 by 6:00pm. Estimated attendance 2,500+.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

Authorize the Mayor, Richard A. Moccia, to execute a Lease Agreement with Family and Children Agency, Inc. (FCA) for approximately 2,418 square feet of office space in the Health Department building. Lease period shall begin on November 1, 2006 and ending on October 31, 2009. Rental payment per square foot shall be \$16.00 for Year 1, \$16.48 for Year 2 and \$16.97 for Year 3.

2. Authorize the Purchasing Agent to issue a Purchase Order to Dell Computer Corporation for computers at the Center for Global Studies at Brien McMahon High School for a total not-to-exceed \$21,382.74. Acct. #0902/03/04 5010 5777 C0237.

3. Authorize the Purchasing Agent to issue a Purchase Order to CDW Government Inc. for the purchase of miscellaneous technology equipment at the Center for Global Studies at Brien McMahon High School for a total not-to-exceed \$3,499.33. Acct. #0902/03/04 5010 5777 C0237.

4. Authorize the Purchasing Agent to issue a Purchase Order to Plasticrafters Inc. for the purchase of a multi-media podium at the Center for Global Studies at Brien McMahon High School for a total not-to-exceed \$1,653.20. Acct. #0902/03/04 5010 5777 C0237.

5. Authorize the Purchasing Agent to issue a Purchase Order to Apple Computers for the purchase of computers and graphic tablets at the Center for Global Studies at Brien McMahon High School for a total not-to-exceed \$38,888.00. Acct. #0902/03/04 5010 5777 C0237.

6. Authorize the Purchasing Agent to issue a Purchase Order to HB Communications for the purchase of smartboards and videoconferencing equipment at the Center for Global Studies at Brien McMahon High School for a total not-to-exceed \$47,941.20. Acct. #0902/03/04 5010 5777 C0237.

7. Authorize the Purchasing Agent to issue a Purchase Order to EAI Ed., Division of Eric Armin Inc. for the purchase of graphing calculators for middle school and high school classrooms for a total not to exceed \$22,332.00. Acct. #09045010-5777-C0112.

9a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Fletcher-Thompson, Inc. to provide engineering services for the Ben Franklin Center, HVAC system upgrade for a total not to exceed \$33,500. Acct. #09057100 5777 C0322

9b. Authorize the Office of Building Management to issue change orders for unforeseen additional engineering services for a total not to exceed \$5,000 and for reimbursable expenses for a total not to exceed \$1,500.

**** MOTION PASSED UNANIMOUSLY**

A. BOARD OF ESTIMATE AND TAXATION

**** MR. COFFEY MOVED THE FOLLOWING RESOLUTION**

RESOLVED, that a sum not to exceed \$59,181 be and the same is hereby transferred from Contingency to various Departments to pay for Ordinance positions wage increases. (Account No. Refer to backup for account numbers).

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)**

RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

**** MR. BONDI MOVED THE FOLLOWING ITEM**

Due to a potential conflict of interest, Mr. Hempstead recused himself and left the Council Chambers.

Authorize the Mayor, Richard A. Moccia to execute a second amendment to the lease agreement with Stew Leonard's for the Calf Pasture Beach concession, to permit 5 additional one-year extension option with an annual increase of 3% in the rental fee and such other amendments as set forth in the attached letter.

Mr. Miklave said that he would vote against this item because of an overabundance of caution. He said that more analysis was needed before this vote could take place. Mr. Miklave said that he had no aspersions towards Stew's but would vote against this item.

Mr. McQuaid said that Stew's brought new life to the beach. He said that it would be sad for the vote to go the other way and that he would vote in favor of this item.

Mr. Coffey said that the Parks and Recreation Committee did a fantastic job in addressing this issue and they voted unanimously for this.

Mr. Bondi said that this item was put out to bid twice; both times someone expressed interest and both times backed out. Stew's has done a tremendous job in refurbishing the building. They have been a very good tenant. They donated a scoreboard for the basketball court and thousands of dollars of flowers for the beach and other parks in the City.

Mr. Kydes said that they had to think about what was at the beach and what currently is there. He said that Stew's built that area into an attraction. If they do anything to disrupt that they will be taking a step backwards.

Mr. Poruban said that he would vote against this item, although Stew's has been a very good tenant. He said that over the years, they have held spirited discussions over the length of the various contracts.

Ms. Briggs said that she would vote against this item because of the length of the contract.

**** MOTION PASSED WITH TEN (10) IN FAVOR (MR. COFFEY; MS. ROMANO; MR. SUTTON; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. KYDES; MS. STRANITI) AND FOUR (4) OPPOSED (MR. MIKLAVE; MR. PORUBAN; MS. BRIGGS; MR. KRUMMEL)**

Mr. Hempstead returned to the Council Chambers.

**** MR. BONDI MOVED THE FOLLOWING ITEM**

Mayor Moccia said that this year's event raised \$500,000 for various charities.

Authorize the Mayor, Richard A. Moccia to enter into an agreement with Kayak for a Cause for their Annual Kayak for a Cause VII to be held in Calf Pasture Beach from 7:20 AM followed by the Beach Party to be held in (Veteran's Park) Calf Pasture Beach beginning at 5:00 PM ending at 10:00 PM. Estimated attendance 1,500 – 3,000, July 28, 2007.

**** MOTION PASSED UNANIMOUSLY**

**** MR. BONDI MOVED THE FOLLOWING ITEM**

Mr. Bondi said that they will be holding a fundraiser for a worthy cause sometime in November.

Authorize the Mayor, Richard A. Moccia to enter into an agreement with Seafair "The Fine Art Yacht" to use the visitor's docks in Veteran's Park for a 5-day period for June 20-24, 2007 to host their Floating Art Gallery. Estimated attendance 2,000.

**** MOTION PASSED UNANIMOUSLY**

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

**** MR. SUTTON MOVED THE FOLLOWING ITEM**

8. Authorize the Purchasing Agent to issue a Purchase Order to Follett Library System for Norwalk Public Schools Library Automation Software for a total not to exceed \$71,127.74. 0904/06/07-5777-C0112.

**** MOTION PASSED UNANIMOUSLY**

A recess was called at 8:53 p.m.

The meeting reconvened at 9:05 p.m.

PUBLIC WORKS COMMITTEE

**** MR. KRUMMEL MOVED THE FOLLOWING ITEM**

Authorize the Mayor, Richard A. Moccia, to execute an Easement Agreement with Briar Street, LLC for an exclusive easement for access, construction and maintenance of storm drainage for a portion of Briar Street.

Mr. Krummel explained the item. Mr. Coffey said that there are questions that members of the Common Council need answered.

**** MR. COFFEY MOVED THE ITEM BACK TO COMMITTEE FOR ONE MONTH**

Mr. Poruban said that he would vote against moving the item back to committee. He said that he was satisfied with the answers in Committee. Mr. Coffey said that he does not like to do committee work on the Common Council floor.

Mr. Hempstead said that he was prepared to vote on this item. The Committee met with the neighbor and got a good update from Mr. Alvord.

Mr. Miklave said that he has economic issues with this. There is also a value that this easement has that will inure to the property owner in perpetuity. Mr. Miklave said that he does not have the financial information to make an intelligent decision.

**** MOTION PASSED WITH NINE (9) VOTES IN FAVOR (MR. COFFEY; MR. MIKLAVE; MR. SUTTON; MR. GRANT; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MS. BRIGGS; MR. KRUMMEL AND SIX (6) VOTES IN OPPOSITION (MR. PORUBAN; MS. ROMANO; MR. MCQUAID; MR. KYDES; MR. HEMPSTEAD; MS. STRANITI)**

Due to a potential conflict of interest, Mr. Coffey recused himself and left the Council Chambers.

**** MR. KRUMMEL MOVED THE FOLLOWING ITEMS**

2.a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Marquise Development Group for Project No. RD 2006-1, Concrete Curbs and Sidewalks at Various Locations, for a sum not to exceed \$213,648.30.

2.b. Authorize the Director of Public Works to issue Orders on Contract to Marquise Development Group for Project No. RD 2006-1, Concrete Curbs and Sidewalks at Various Locations, for a sum not to exceed \$21,364.00.

Account No. 09 06/0721 5777 CO318 (\$202,000)

09 06 4021 5777 CO351 (\$33,013)

Mr. Krummel explained that there are a number of trip hazards in the city. This project will get the necessary paving started.

Mr. Hempstead said that he was concerned that there would be sidewalk replacement in front of private property and that they would be reimbursing the City. He asked that that reimbursement money go towards other sidewalk replacement.

**** MR. HEMPSTEAD MOVED THAT THE FUNDS RECEIVED TO DO THE SIDEWALK REPAIRS BETWEEN MELBOURNE AVENUE AND LOCKWOOD LANE BE REALLOCATED FOR ADDITIONAL SIDEWALK REPLACEMENTS.**

Mayor Moccia said that he did not know if they had the authority to re-allocate funds from the Council floor. This request would have to go back to the Board of Estimate and Taxation. M.r Miklave agreed.

Mayor Moccia said that a friendly amendment could be to urge the Board of Estimate and Taxation to re-allocate those funds back to the sidewalk replacement.

Mr. Hempstead agreed and withdrew his motion.

**** MR. HEMPSTEAD MOVED TO Direct the director of DPW to apply to the Board of Estimate & Taxation for funds reimbursed for sidewalk repair for areas between Melbourne Avenue and Lockwood Lane**

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE) AND ONE (1) ABSTENTION (MR. PORUBAN).**

RESOLUTIONS FROM COMMON COUNCIL

There were none.

MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

SUSPENSION OF THE RULES

To add one reappointment and three appointments to the agenda.

ADJOURNMENT

**** MR. BONDI MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:25 p.m.

ATTEST: _____
Mary Roman, City Clerk

