

***Common Council Actions***

**October 23, 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 called the meeting to order at 8:05 p.m. and led the assembly in the Pledge of Allegiance.

**I. ROLL CALL**

Ms. Roman called the Roll. There were thirteen (13) members present and two (2) absent.

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

ABSENT: Matthew Miklave and Kelly L. Straniti

Ms. Roman announced that there were thirteen (13) members present and two (2) absent.

**II. ACCEPTANCE OF MINUTES**

Regular meeting – October 9, 2007

**\*\* MR. BONDI MOVED TO APPROVE THE MINUTES OF THE OCTOBER 9, 2007 MEETING AS SUBMITTED.**

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

**III. PUBLIC PARTICIPATION**

There was no member of the public present that wished to address the Council at this time.

**IV. MAYOR**

Mayor Moccia then said that he wished to take a brief moment to give some recognition to two gentlemen who were present in the Chambers. He stated that on October 15, 2007, Firefighter Michael Shanahan had gone into cardiac arrest at the DPW drop off facility while unloading his car. Mr. Ray, the DPW worker who was present at the time

immediately began CPR and called for an ambulance. Another DPW driver, Mr. Sirell, realized that the ambulance would be delayed by the Washington Street bridge being open and hurried to assist Mr. Ray. The Mayor went on to say that Mr. Shanahan would have suffered brain damage at the very least without the assistance of these two gentlemen. The Mayor then presented both men with certificates of appreciation for saving Mr. Shanahan's life. The Mayor then asked Mrs. Shanahan, who was also present in the audience, how Mr. Shanahan was doing. She replied that he was expected to be released from the hospital soon.

#### A. RESIGNATIONS AND APPOINTMENTS

Resignations: Hope Boone – Fair Housing Advisory Commission

Mayor Moccia announced the resignation of Hope Boone from the Fair Housing Advisory Commission.

Appointments: There were no appointments to be considered at this time.

Reappointment: Diane Beltz-Jacobson – Assistant Corporation Counsel

**\*\* MS. ROMANO MOVED TO APPROVE THE REAPPOINTMENT OF ATTORNEY DIANE BELTZ-JACOBSON AS ASSISTANT CORPORATION COUNSEL.**

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

#### B. REMARKS

The Mayor announced that at the end of the meeting, Rev. Bolden would be requesting a suspension of the rules to discuss the FAA situation. There had been a meeting about this on October 22nd but the Mayor was not able to attend. However, Attorney Guliuzza from Corporation Counsel's Office was able to attend and would be giving the Council an update. The Mayor said that he would wait until that discussion to make his comments.

#### V. COUNCIL PRESIDENT

##### A. GENERAL COUNCIL BUSINESS

Mr. Coffey said that he was quite pleased that the Council has voted to use \$30,000 towards the Harte property purchase, but reminded everyone that this would reduce the balance in the fund to \$6,000. He said that the Council should consider how to replenish the fund for the future.

Mr. Coffey then stated that the account numbers for Agenda Items VI-A-1 and VI-A-2 were incorrect. The correct account number for VI-A-1 is 01-6031-5298 and VI-A-2 is 01-4060-5777.

##### B. CONSENT CALENDAR:

\*\* CHAIRMAN COFFEY MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:

## VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

### A. BOARD OF ESTIMATE & TAXATION

1. RESOLVED, that a sum not to exceed \$10,500 be and the same is hereby transferred from Increased Estimated Revenues to the Recreation and Parks Department to pay for tree removal at Silvermine School (Account No. 01-1350-4172). [The account number was corrected to 01-6031-5298.]

2. RESOLVED, that a sum not to exceed \$69,821 be and the same is hereby transferred from Increased Estimated Revenues to the Public Works Department to pay for repair work from damage due to the April storm. (Account No. 01-1350-4172). [The account number was corrected to 01-4060-5777.]

## VII. COMMON COUNCIL COMMITTEES

### A. FINANCE COMMITTEE

1. Accept and approve the Report of the Claims Committee dated October 11, 2007.
2. For informational purposes only: Monthly Tax Collector's Report dated September 31, 2007.
3. For informational purposes only: Narrative on Tax Collector's Report dated October 11, 2007.
- 4a. Authorize the Purchasing Agent to issue a purchase order to Dell Computer for the purchase of 36 Dell PCs for the main library per Dell quote 386448465, dated 9/14/2007, NASPO/WSCA contract A63307, for an amount not to exceed \$33,056.28, account 09080600-577-C0375 (07/08 Capital Budget, no special appropriation required) (Norwalk Library Public Access PC Refresh and Disk Drive Software.)
- 4b. Authorize the Purchasing Agent to issue a purchase order to Centurion Technologies for the purchase of 120 Cornerstone Driveshield Licenses with maintenance for the main library per Centurion quote L1-071907, dated 7/19/2007, for an amount not to exceed \$2,360.94, account 09080600-5777-C0375 (07/08 Capital Budget; no special appropriation required). (Norwalk Library Public Access PC Refresh and Disk Drive Software.)
5. Authorize the Purchasing Agent to issue a purchase order to A & A Office Systems for a Savin 2404 large format copier with roll feeder type 240B, post script option, dwg/dwf/dxf option, and paper cassette tray and a 3-year service contract for an amount

not to exceed \$15,184.00, account 09080600-5777-C0375 (07/08 Capital Budget; no special appropriation required)

6a. Authorize the Purchasing Agent to issue a purchase order to NEXGEN Solutions, LLC, a sole source provider, for the renewal of the annual maintenance and support agreement for the Norwalk Police Department's Law Enforcement Administration System (LEAS) software for a sum not to exceed \$18,500.00, for the period 7/01/2007 through 6/30/2008, account 010600-5269 (Approved operating budget item; no special appropriation required).

6b. Authorize the Purchasing Agent to issue a purchase order to NEXGEN Solutions, LLC, for the renewal of such annual maintenance for NEXGEN LEAS, including any technical support and upgrades, subject to the availability of future funding.

7a. Authorize the Purchasing Agent to issue purchase orders in accordance with City Procurement Guidelines for personal computer workstations, laptops and monitors according to City IT Department specifications, for an amount not to exceed \$86,968.18, account 09080600-5777-C0375 (07/08 Capital Budget; no special appropriation required). (Desktop Technology Refresh)

7b. Authorize the Purchasing Agent to issue purchase orders to a qualified vendor for 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 \$3,200.00, account 09080600-5777-C0375 (07/08 Capital Budget; no special appropriation required). (Electronic Asset Disposal Program).

7c. Authorize the Purchasing Agent to issue a purchase order for the replacement of up to 8 aging printers for an amount not to exceed \$4,000.00, account 09080600-5777-C0375 (07/08 Capital Budget; no special appropriation required). (Desktop Technology Refresh/Printers)

8. Authorize the Purchasing Agent to issue a purchase order to HP for an HP ProLiant DL380-G5 server and peripherals for the Norwalk Police Department server refresh for an amount not to exceed \$8,785.00, per HP quotation 14254104-2, dated 9/27/2007, account 09080600-5777-0C0375 (Approved IT Capital; no special appropriation required).

10. Resolution authorizing the close-out of a capital project, Roosevelt Center Roof Project (Project Account No. 09077100-5777-C0389).

11. Resolution appropriating \$65,800 for a Special Capital Appropriation for the Fodor Farm Project (Project Account No. 09084031-5777-C0432).

12. Authorize the Mayor, Richard A. Moccia, to execute an agreement with The Segal Company to provide health benefits consulting services to the City for a five-year period for a total amount not to exceed \$214,000. Account #019010-5258.



13. Authorize the Mayor, Richard A. Moccia, to execute a contract with Insurance Programmers Inc., a sole source provider, to provide health and dental claims administration services for City of Norwalk retirees and their dependents for a five year period for an estimated amount not to exceed \$105,000 during FY 2007-08 (pricing based on \$18.00 per person per month for retirees over 65, and \$8.00 per person per month for retirees under age 65. Subsequent year pricing will be negotiated). Account #169010-5258.

#### B. HEALTH, WELFARE, PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Industrial/Organizational Solutions, Inc., to provide Entry Level Police Exam Services, for a total amount not to exceed \$9,500.00 per year. Initial effective period 01/01/08 thru 12/31/08, with two (2) potential one (1) year extension periods. Account Number 0130405258.

2. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Resource Management Associates, Inc., to provide Police Promotional Exam Services (Sgt., Lt. and Capt.), for a total amount not to exceed \$18,332.00. Account Number 0130405258.

3. Authorize the Mayor, Richard A. Moccia to execute any and all documents needed to apply for, secure accept and enter into the Governor's Youth Violence Prevention Grant (\$96,259) with the Office of Policy and Management for the fiscal year beginning October 15, 2007 and ending September 30, 2008.

4. Authorize the Mayor, Richard A. Moccia, to execute any and all documents needed to apply for, secure, accept and enter into the Big Read Grant (\$10,500) with the National Endowment for the Arts for 2008.

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

1. Approve the use of Calf Pasture, Shady Beach and Taylor Farm by the Sound Cyclists Bicycle Club to hold their annual Bloomin Metric Bike tour to be held on Sunday, May 18, 2008 from 5:00am – 6:00pm. Set up to begin Saturday, May 17, 2008 at 12:00noon.

2. Approve the use of Veteran's Park by the Board of Education of Norwalk for their Annual Norwalk River Fun Run to be held on Saturday, December 1, 2007 with a rain date of Sunday, December 2, 2007. Estimated attendance 500.

3. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Kayak for a Cause to use Calf Pasture Beach and Veteran's Park for their annual Kayak and Fundraiser Concert on Saturday, July 28, 2008. Set up at Calf Pasture Beach and Veteran's Park will begin Friday, July 25, 2008 at 12:00noon. Concert at Veteran's Park will be from 3:00pm-10:00pm. Estimated attendance 4,000.

4. Authorize the Mayor Richard A. Moccia to enter into an agreement with Norwalk Hospital for their Annual Cancer Walk to be held at Calf Pasture Beach on Saturday, May 17, 2007 from 7:00am-2:00pm. Set up to begin at Calf Pasture Beach at 12:00noon on Friday, May 16, 2007. Estimated attendance 800.

5. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Durocher Marine a division of Kokosing Construction Co. Inc., to utilize a portion of the auxiliary parking area at Veteran's Park for vehicle parking and use of the City Docks for loading and unloading staff. Start date October 1, 2007 through April 2008. Fee to the Department of Recreation and Parks is \$2,000.00 per month for a total of \$14,000.00.

#### D. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute an amendment to extend Gilbane Building Company's program management contract for the period beginning January 1, 2008 and ending December 31, 2008 for a total not to exceed \$492,281.00. Where applicable, the appropriate fee will be charged against specific projects for future State reimbursement. Funds are available from various capital budget accounts.

2. Authorize the Mayor to execute any and all documents necessary to accept the donation of the traffic island at the intersection of Willow Street, Beacon Street and Sterling Place from Mr. Pasquale Caporrino, property owner (D5-B1-L87C)

3. Authorize the Mayor, Richard A. Moccia, to apply and to execute any and all permits, grant/energy rebate applications and agreements and implement said agreements necessary for the incorporation of a Cogeneration System (Combined Heat and Power) as part of the Norwalk High School Improvement Project.

4a. Authorize the Mayor, Richard A. Moccia to execute a Consent to Assignment Document relating to the City's Agreement with Southport Engineering Group, Inc. for professional engineering services for the City Hall electrical needs assessment and emergency generator project, in order to evidence the City's consent to assign the agreement to the new entity known as Southport Engineering Associates, PC.

4b. Authorize a Technical Correction of Common Council action of September 25, 2007, Item VII. D.5. to reflect the correct name of the company. The corrected action shall be as follows:

“Authorize the Mayor, Richard A. Moccia, to execute an amendment to Southport Engineering Associates, PC's electrical engineering services contract for City Hall, to provide design services for a new emergency generator for a total amount not to exceed \$21,600 (including \$500 for reimbursable expenses). Acct. #09074071 5777 C0270”

5. Authorize the Office of Building Management to process payment to EnviroTech of Fairfield County Inc. for the removal of underground fuel tanks and site remediation for a total not to exceed \$57,394.00. Acct. # to be determined.

**\*\* THE MOTION TO APPROVE THE CONSENT CALENDAR AS PRESENTED PASSED UNANIMOUSLY.**

## **VII A FINANCE COMMITTEE**

Mr. Kydes recused himself from the meeting at 8:25 p.m.

9. Approve Resolution appropriating \$4,400,000 for the planning, design, and construction of infrastructure improvements related to the Wall Street Redevelopment project and authorizing the issuance of \$4,400,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings limited to \$2,400,000 for such purpose. (Special Capital Appropriation and bond authorization for Wall Street Development Project).

**\*\* MR. HILLIARD MOVED THE ITEM.**

Mr. Hempstead asked about the funding provisions for Phase One and Phase Two of this project. Mr. Sheehan, the Director of the Redevelopment Agency came forward and said that his Agency was fine with the provisions in the document. He said that when Phase One was completed, the Agency would come back to the Council for Phase Two approval.

Mr. Krummel said that he had a number of questions about the financing of this project. He said that he appreciated the six scenarios that Mr. Hamilton has included in the financial analysis. He asked if the tax incentives had been included in the figures. Mr. Hamilton replied that they had not. He then asked about a 20% difference compared with the Tighe & Bond engineers report. Mr. Johnson, from the Redevelopment Agency, came forward and explained that the difference in the figures was that there was a 10% contingency figure and an additional 10% added for other reasons.

Mr. Krummel then asked what would happen in the event of an economic downturn. Mr. Hamilton replied that the numbers had been projected on the current market. He said to do the in-depth analysis that Mr. Krummel was asked about would require that the Tax Assessor provide some of the information on the property value.

Mr. Sheehan also added that the Redevelopment Agency had looked at the City's worst year during the last twenty years for figures and calculated the figures from that set of figures.

**\*\* THE MOTION TO APPROVE RESOLUTION APPROPRIATING \$4,400,000 FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS RELATED TO THE WALL STREET REDEVELOPMENT PROJECT AND AUTHORIZING THE ISSUANCE OF \$4,400,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS LIMITED TO \$2,400,000 FOR SUCH PURPOSE. (SPECIAL CAPITAL APPROPRIATION AND**



BOND AUTHORIZATION FOR WALL STREET DEVELOPMENT PROJECT)  
PASSED UNANIMOUSLY.

Mr. Kydes rejoined to the meeting at the conclusion of the vote.

VII C RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

6. Authorize the formation of a Mill Hill Historic District Committee. Members to be selected by the Common Council.

\*\* MR. BONDI MOVED TO TABLE AGENDA ITEM VII C 6. TO AUTHORIZE THE FORMATION OF A MILL HILL HISTORIC DISTRICT COMMITTEE. MEMBERS TO BE SELECTED BY THE COMMON COUNCIL.

\*\* THE MOTION PASSED UNANIMOUSLY.

VII E. ORDINANCE COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to transfer \$30,000 from the City's Open Space Fund to be put towards the Harte Property.

\*\* MR. COFFEY MOVED THE ITEM.

Mr. Coffey then reminded the Council that the balance of the Open Space Fund was now down to \$6,000 and that consideration needed to be given to replenishing the funds.

Mr. Kydes said that he had many fond memories of the Harte and that the parcel is pristine.

Mr. Bondi said that the appropriated amount for the White Barn property would put the fundraiser ahead. He also commented that he hoped the Council would come up with a way to replenish the Open Space fund so that areas like Spring Hill could eventually have a park, also.

Ms. Briggs commented that she shared the same sentiments as the others on the Council. She added that she had spoken with Marney Smith earlier in the day and that Ms. Smith was very pleased about the situation. She added that Ms. Smith had said that the donation would put the fundraiser up to the half way mark.

\*\* MR. COFFEY THEN MOVED TO AMEND THE MOTION AS FOLLOWS:

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT REGARDING THE \$30,000 FROM THE CITY'S OPEN SPACE FUND TO BE PUT TOWARDS THE HARTE PROPERTY.

\*\* THE MOTION PASSED UNANIMOUSLY.



VII E 2 Approve revised Demolition Delay Ordinance.

**\*\* COUNCIL PRESIDENT COFFEY MOVED AGENDA ITEM VII E 2 APPROVE REVISED DEMOLITION DELAY ORDINANCE.**

Council President Coffey reviewed the history of the Demolition Delay Ordinance with the Council. He then reviewed the changes to the ordinance that were made in the Ordinance Committee meeting which had been held earlier in the evening.

Mr. McQuaid said that while he was in favor of the 180 day delay, he had not received the first draft changes to the ordinance until 6:10 p.m. just before the Ordinance Committee had convened the public hearing. During the public hearing and the following discussion, additional changes were made and a second update was issued to him at 8:00p.m., just prior to the Council meeting being called to order. Mr. McQuaid said that he was not in favor of pushing the ordinance through tonight as the Law Department had not reviewed the changes.

Mr. Hempstead concurred, saying that he had not received the ordinance until 8:00 p.m. and that while he believed the intention was good, he reminded everyone that a good intention with faulty language could be harmful in the future. Mr. Hempstead also pointed out that the language in the new version of the ordinance was different from what was published in the paper. He said that he was uncomfortable with the fact that the ordinance had been amended at the 6:00 meeting and was now before the Council with changes. He felt that this was not a transparent and open issue.

**\*\* MR. HEMPSTEAD THEN MOVED TO TABLE AGENDA ITEM VII E 2 APPROVE REVISED DEMOLITION DELAY ORDINANCE.**

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

Mr. Hempstead then requested a recess in order to read the proposed ordinance in the final form.

RECESS

The Mayor declared a recess at 8:50 p.m. The meeting reconvened at 9:05 p.m.

VII E 2 Approve revised Demolition Delay Ordinance Cont'd

Ms. Romano said that with all due respect, she felt that there were problems with the proposed ordinance and that there wasn't really time to think about the issue. She also said that she did not see some items that should be included in the ordinance, such as an appeal process. She also asked about the amount of public input. She pointed out that one complaint could result in a developer being stalled for 180 days. Ms. Romano felt that the

ordinance needed to be fine tuned and needed more time for consideration. In conclusion, she said that she would not support this ordinance.

Mr. Hilliard pointed out that this process had started in the spring or early summer. He also reported that during the public hearing held earlier in the evening, that the public had been allowed to participate in the Committee's discussions.

Mr. Kydes reiterated Mr. McQuaid's point about the changes being made so quickly. He also pointed out that some of the organizations that were being brought into the process that were not part of the administrative process and asked why other organizations were not being given a say in the decision making process other than the public input portion of the Council meetings or via Committee meetings.

Mr. Krummel said that he had a lot of sympathy and understanding for Mr. Hempstead's concerns about transparency. He also pointed out that he had heard the statement made in the Chambers that the ordinance could "be changed later on" in regards to other issues that were also handled in the same manner. Mr. Krummel went on to say that there was an existing ordinance and that there had been no objections. He also reminded everyone that there were buildings in Norwalk that were architecturally significant but that they were not yet fifty years old and therefore not protected because Norwalk does not have an Architectural Review Board.

Council President Coffey stated that the fifty year benchmark was a national standard and that Norwalk had not created this on its own. He also echoed Mr. Krummel's concerns about buildings that were architecturally significant but not protected.

Council President Coffey pointed out that this Council was one of the most transparent councils he had seen in during his time of service. He also reminded everyone that the current Council strove to be transparent and had passed an ethics ordinance that would go into effect November 1st.

Council President Coffey said that the ordinance had been on the August agenda and was then passed to the September agenda in order to allow the Law Department to review the document. He said that he had sent copies to the Council Members on Thursday but received no comments on the ordinance. Council President Coffey reminded everyone that there had been articles in the newspapers about this issue in September and notification of the public hearing was published in The Hour, as required by law. He also commented that there had been about 10 people in the audience for the hearing, which was far more than usual. Council President Coffey pointed out that the ordinance had been on the Ordinance Committee Agenda three times, but there never had been any feedback from the Council members about it.

**\*\* MR. HILLIARD MOVED TO AMEND SECTION 55-8 FROM:**

**IN ADDITION TO OTHER PENALTIES AND REMEDIES PROVIDED BY LAW,  
EACH VIOLATION OF THE PROVISION OF THIS CHAPTER SHALL BE**

PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00), WITH EACH DAY OF SUCH VIOLATION CONSTITUTING A SEPARATE VIOLATION.

TO: IN ADDITION TO OTHER PENALTIES AND REMEDIES PROVIDED BY LAW, EACH VIOLATION OF THE PROVISION OF THIS CHAPTER SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00), WITH EACH DAY OF SUCH VIOLATION CONSTITUTING A SEPARATE VIOLATION.

Mr. Hempstead pointed out that there were two sections labeled 55-8 on the revised ordinance. Mr. Hilliard replied it was the section dealing with the fines and violations.

Mr. McQuaid then reiterated his earlier concerns about the revisions at 6:00 p.m. and again at 8:00 p.m.

Ms. Romano explained that she was not against the 180 days but thought that it would be important to cross the “t”s and dot the “i”s by having the Law Office review the changes.

Mr. Hempstead said that he agreed with Mr. Coffey’s analysis about transparency but also pointed out that this went beyond regular business. He reminded everyone that it is the Council’s job to protect the residents of the City but the Council also had an obligation to protect the City from lawsuits. He reiterated Ms. Romano’s earlier point that there was no mediation or directions in the ordinance.

Mr. Kydes left the room when the Mayor recognized Mr. Poruban as the next speaker.

Mr. Poruban commented that it was ironic that there had been other items passed where comments had been made and that we could go back and change what was wrong. He pointed out that there were questions about the legal fees and proceeded to review the changes made to the ordinance. Mr. Poruban concluded his statement by saying that he did not see a problem with the changes.

Council President Coffey said that he did not think the recent amendments were fundamental changes to the document.

Mr. Hempstead replied that he would be more comfortable if the item was tabled to the next meeting.

Mr. Grant called the question. The Mayor agreed and suggested that it would be good to vote on the resolution at this time.

**\*\* THE MOTION TO APPROVE THE RESOLUTION FAILED WITH SIX IN FAVOR (COFFEY, PORUBAN, BOLDEN, HILLIARD, BRIGGS AND KRUMMEL) AND SEVEN AGAINST (ROMANO, SUTTON, GRANT, MCQUAID, BONDI, KYDES, AND HEMPSTEAD).**



Mr. Sutton said that he had misunderstood the Mayor and thought that he was voting on Mr. Grant's motion to call the question.

**\*\* MR. HEMPSTEAD MOVED FOR A VOTE TO RECONSIDER THE MAIN MOTION.**

**\*\* THE MOTION TO RECONSIDER THE MAIN MOTION AS AMENDED PASSED WITH EIGHT IN FAVOR (COFFEY, PORUBAN, SUTTON, BOLDEN, HILLIARD, BONDI, BRIGGS AND KRUMMEL) AND FIVE AGAINST (ROMANO, GRANT, MCQUAID, KYDES, AND HEMPSTEAD).**

**\*\* THE MOTION TO APPROVE AGENDA ITEM VII E 2 - APPROVE REVISED DEMOLITION DELAY ORDINANCE AS AMENDED:**

**SECTION 55-1 PURPOSE.**

THE PURPOSE OF THIS CHAPTER IS TO PROMOTE THE EDUCATIONAL, CULTURAL, ECONOMIC AND GENERAL WELFARE OF THE CITY OF NORWALK, TO ESTABLISH A PROCEDURE WHEREBY THE OWNERS OF BUILDINGS WITH SIGNIFICANT HISTORIC CHARACTERISTICS WILL BE INFORMED OF THE ECONOMIC, TAX, AESTHETIC AND OTHER BENEFITS OF HISTORIC PRESERVATION AND TO FURTHER THE PRESERVATION, REHABILITATION AND REUSE OF ARCHITECTURALLY SIGNIFICANT BUILDINGS AND STRUCTURES BY PROVIDING ADEQUATE TIME FOR ALL PARTIES TO CONSIDER AND PUT FORTH APPROPRIATE DEVELOPMENT ALTERNATIVES TO DEMOLITION, INCLUDING ATTEMPTS TO FIND A PURCHASER WHO WILL RETAIN OR REMOVE SUCH HISTORIC OR ARCHITECTURALLY SIGNIFICANT BUILDING OR STRUCTURE OR WHO WILL PRESENT SOME OTHER REASONABLE ALTERNATIVE TO THE LAST RESORT OF DEMOLITION.

**SECTION 55-2 PERMIT REQUIRED.**

NO PERSON SHALL DEMOLISH ANY BUILDING, STRUCTURE OR PART THEREOF WITHOUT FIRST OBTAINING A PERMIT FOR THE PARTICULAR DEMOLITION UNDERTAKING FROM THE CHIEF BUILDING OFFICIAL. SUCH PERMIT SHALL BE ISSUED, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 29-406 ET. SEQ. (HEREINAFTER "STATE OF CONNECTICUT DEMOLITION CODE"), AS AMENDED.

**SECTION 55-3 – FEES – THE APPLICANT SHALL PAY A MINIMUM FEE OF TWO HUNDRED FIFTY (\$250.00) DOLLARS, OR ONE PERCENT (1%) OF ASSESSED VALUE, WHICHEVER IS GREATER, FOR SAID DEMOLITION PERMIT.**

**SECTION 55-4 REQUIREMENTS FOR CERTAIN STRUCTURES.**



NO PERMIT TO DEMOLISH ANY BUILDING, STRUCTURE OR PART THEREOF WHICH IS FIFTY YEARS OR OLDER (HEREINAFTER REFERRED TO AS "STRUCTURE") SHALL BE ISSUED EXCEPT UPON COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND THE STATE OF CONNECTICUT DEMOLITION CODE.

SECTION 55-5 APPLICANT CONTENTS.

NO PERMIT FOR THE DEMOLITION OF ANY STRUCTURE OR PART THEREOF WHICH IS FIFTY YEARS OR OLDER (HEREINAFTER REFERRED TO AS "STRUCTURE") SHALL BE ISSUED UNTIL AN APPLICATION CONTAINING THE FOLLOWING INFORMATION IS FILED WITH THE CHIEF BUILDING INSPECTOR;

- (1) THE NAME AND ADDRESS OF THE STRUCTURE TO BE DEMOLISHED;
- (2) THE SQUARE FOOTAGE OF THE STRUCTURE TO BE DEMOLISHED;
- (3) THE NAME(S) AND ADDRESS(ES) OF THE OWNER(S) OF THE STRUCTURE TO BE DEMOLISHED.
- (4) THE NAME AND ADDRESS OF THE PERSON UNDERTAKING THE DEMOLITION OPERATION;
- (5) THE REASON FOR THE DEMOLITION;
- (6) THE NAMES AND ADDRESSES OF THE OWNERS OF ALL THE ADJOINING PROPERTY ON WHICH THE STRUCTURE TO BE DEMOLISHED IS LOCATED; AND
- (7) A COPY OF THE CURRENT ASSESSOR'S MAP SHOWING THE ADJOINING PROPERTIES AND THE PROPERTY ON WHICH THE STRUCTURE TO BE DEMOLISHED IS LOCATED.
- (8) A CURRENT PHOTOGRAPH OF THE STRUCTURE TO BE DEMOLISHED.
- (9) TELEPHONE NUMBER OF A CONTACT PERSON FOR SAID STRUCTURE.
- (10) AGE AND TYPE OF STRUCTURE TO BE DEMOLISHED.
- (11) DATE ON WHICH SAID DEMOLITION IS TO BEGIN.

SECTION 55-6 NOTICE OF INTENT TO DEMOLISH.

THE APPLICANT SHALL, WITHIN 7 DAYS OF FILING THE APPLICATION FOR A DEMOLITION PERMIT,

- (1) PUBLISH A NOTICE OF INTENT TO DEMOLISH (HEREINAFTER REFERRED TO AS "NOTICE") IN A LOCAL NEWSPAPER HAVING A DAILY CIRCULATION IN THE CITY OF NORWALK. SUCH NOTICE IS DEFINED AND DESCRIBED IN SECTION 55-5.

(2) MAIL COPIES OF THE NOTICE TO EACH ADJOINING PROPERTY OWNER BY REGISTERED OR CERTIFIED MAIL AT SUCH OWNER'S LAST KNOWN ADDRESS ACCORDING TO THE RECORDS OF THE ASSESSOR OF THE CITY OF NORWALK.

(3) MAIL COPIES OF THE NOTICE, BY REGISTERED OR CERTIFIED MAIL, TO THE NORWALK HISTORICAL COMMISSION, NORWALK HISTORICAL SOCIETY, THE NORWALK PRESERVATION TRUST, THE MUNICIPAL HISTORIAN AND ANY INDIVIDUAL FIRM, CORPORATION, ORGANIZATION OR OTHER ENTITY WHICH HAS REQUESTED IN WRITING, FROM THE CHIEF BUILDING OFFICER, COPIES OF ANY SUCH NOTICES FILED PURSUANT TO THIS CHAPTER.

(4) POST IN A CONSPICUOUS LOCATION ON THE PROPERTY ON WHICH THE STRUCTURE IS SITUATED A SIGN AT LEAST 36 INCHES BY 48 INCHES IN SIZE VISIBLE FROM THE NEAREST STREET OR OTHER ACCESSWAY ADJOINING THE PROPERTY. SUCH SIGN SHALL INCLUDE A COPY OF THE NOTICE AND SHALL CONTAIN THE WORD "DEMOLITION" IN CAPITAL LETTERS NO LESS THAN THREE INCHES IN HEIGHT. IF THERE IS MORE THAN ONE STRUCTURE PROPOSED FOR DEMOLITION, ONE SIGN SHALL BE POSTED FOR EACH STRUCTURE. ALL SIGNS REQUIRED HEREUNDER SHALL REMAIN POSTED ON THE PROPERTY, IF THE PERMIT IS ISSUED, UNTIL THE COMPLETION OF ALL DEMOLITION ACTIVITIES AUTHORIZED BY THE PERMIT.

(5) WITHIN 14 DAYS AFTER THE INITIAL SUBMISSION OF THE APPLICANT, THE APPLICANT SHALL FILE WITH THE CHIEF BUILDING OFFICIAL A STATEMENT VERIFIED UNDER OATH ON A FORM APPROVED BY THE CHIEF BUILDING OFFICIAL CERTIFYING THAT ALL THE NOTICE REQUIREMENTS OF THIS CHAPTER HAVE BEEN COMPLIED WITH AND ATTACHING THERETO A COPY OF THE NOTICE AND EVIDENCE OF PUBLICATION. UPON FILING THE CERTIFICATION STATEMENT THE APPLICATION IS DEEMED FILED. IF ANY NOTIFICATION REQUIREMENT IS NOT COMPLIED WITH, THE CHIEF BUILDING OFFICIAL SHALL REJECT THE APPLICATION AS INCOMPLETE.

#### SECTION 55-7 FORM OF NOTICE OF INTENT TO DEMOLISH.

THE NOTICE REQUIRED BY SECTION 55-4 SHALL BE ON A FORM APPROVED BY THE CHIEF BUILDING OFFICIAL, SHALL BE ENTITLED "NOTICE OF INTENT TO DEMOLISH" AND SHALL INCLUDE THE FOLLOWING INFORMATION:

- (1) THE INFORMATION REQUIRED BY SECTION 55-3; AND
- (2) A STATEMENT THAT AN APPLICATION FOR A PERMIT TO DEMOLISH A STRUCTURE HAS BEEN FILED IN THE OFFICE OF THE CHIEF BUILDING OFFICIAL AND IS CURRENTLY PENDING AND IS AVAILABLE FOR PUBLIC INSPECTION.

SECTION 55-8 PERIOD OF DELAY.

A. IN THE EVENT THAT A WRITTEN OBJECTION TO THE ISSUANCE OF A PERMIT IS FILED WITH THE CHIEF BUILDING OFFICER WITHIN 21 DAYS AFTER FILING THE CERTIFICATION STATEMENT AS REQUIRED BY SECTION 55-3, ABOVE, THE CHIEF BUILDING OFFICIAL SHALL NOT ISSUE PERMITS UNTIL 180 DAYS AFTER THE APPLICATION IS DEEMED FILED. IF NO WRITTEN OBJECTION IS FILED THE CHIEF BUILDING OFFICIAL MAY ISSUE THE DEMOLITION PERMIT PROVIDED THAT ALL OTHER REQUIREMENTS HAVE BEEN COMPLIED WITH.

B. THE NORWALK HISTORICAL COMMISSION SHALL HOLD A PUBLIC HEARING AS SOON AS POSSIBLE ON ANY APPLICATION TO WHICH AN OBJECTION HAS BEEN FILED AND MAY ISSUE RECOMMENDATIONS ON ALTERNATIVES TO DEMOLITION TO THE CHIEF BUILDING OFFICIAL.

IN ADDITION TO OTHER PENALTIES AND REMEDIES PROVIDED BY LAW, EACH VIOLATION OF THE PROVISION OF THIS CHAPTER SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00), WITH EACH DAY OF SUCH VIOLATION CONSTITUTING A SEPARATE VIOLATION.

SECTION 55-8 LAPSE OF PERMIT.

A DEMOLITION PERMIT SHALL BE VALID FOR A PERIOD OF SIX MONTHS FROM THE DATE OF ISSUANCE.

SECTION 55-9 EXCEPTIONS.

NOTHING CONTAINED IN THIS CHAPTER SHALL BE DEEMED TO PROHIBIT THE CHIEF BUILDING INSPECTOR FROM ISSUING DEMOLITION PERMITS WHERE A THREAT TO PUBLIC HEALTH, SAFETY AND WELFARE EXISTS OR WHERE A DEMOLITION ORDER HAS BEEN ISSUED BY THE BUILDING INSPECTOR OR THE DIRECTOR OF HEALTH.

SECTION 55-10 REPORT OF THE CHIEF BUILDING OFFICIAL.

THE CHIEF BUILDING OFFICIAL SHALL ISSUE AN ANNUAL REPORT TO THE MAYOR AND THE HISTORICAL COMMISSION CONCERNING THE NUMBER OF DEMOLITION APPLICATIONS FILED, THE NUMBER OF APPLICATIONS SUBJECT TO THIS CHAPTER, THE NUMBER OF APPLICATIONS THAT WERE OBJECTED TO AND WHETHER THESE BUILDINGS AND STRUCTURES WERE ACTUALLY DEMOLISHED.



PASSED WITH SEVEN IN FAVOR (COFFEY, PORUBAN, SUTTON, BOLDEN, HILLIARD, BRIGGS AND KRUMMEL) AND SIX AGAINST (ROMANO, GRANT, MCQUAID, BONDI, KYDES AND HEMPSTEAD).

## VII. RESOLUTION FROM THE COMMON COUNCIL

Mr. Hilliard recused himself from the meeting.

\*\* MR. HEMPSTEAD MOVED THE FOLLOWING RESOLUTION:

Resolution from the Common Council supporting NEON (Norwalk Economic Opportunity Now) Inc.  
(Submitted Councilmen Douglas Hempstead, Carvin Hilliard & Richard McQuaid)

WHEREAS, NEON, Inc. has been a vital part of the South Norwalk Community since its establishment in 1965.

WHEREAS, the Common Council, recognizes and acknowledges the need of such an agency for residents of the City of Norwalk.

WHEREAS, the Common Council supports NEON's development and adoption of a comprehensive strategic plan to reduce poverty and aligning itself with the state's policy to reduce child poverty.

WHEREAS, NEON, Inc. revises and adopts bylaws, develops new ethics policies and procedures for board members and staff and continues to make significant progress in addressing budget deficiencies to establish a balanced budget.

WHEREAS, the NIQCA Peer Review Team has observed that NEON, Inc. has, during the past year, taken decisive steps to address issues and deficiencies which were clearly documented in agency audit and funder monitoring reports and that important progress has been made in addressing the challenges facing NEON, Inc relating both to governance and financial management and reporting.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Norwalk supports the efforts and vision of the NEON, Inc. administration and will work together to assure that this community action agency continues to receive the necessary support to fulfill its important community mission moving forward.

Mr. Hempstead said that it was important to recognize that the Council supports NEON and publicly acknowledges it.

Mr. McQuaid said that he had been a Board member for 22 years and that he was very pleased to see the agency moving in the right direction.

Ms. Briggs said that she was a new Board member, but fully supported this resolution.



Mr. Bondi commented that this was a great resolution and that he felt it was about time for something like this to happen. He said that the Head Start program was particularly valuable.

Ms. Romano commented that she was on the Executive Board and that she has been very impressed with what Joe Mann has done. All the controversy over the last two years has hurt NEON and that agency did not need this type of nit picking or controversy.

Council President Coffey said that he applauded Mr. Hempstead, Mr. Hilliard and Mr. McQuaid for this resolution. He then reminded everyone that Mr. Mann has served with distinction on the Council and as a State Legislator. Council President Coffey said that he felt most of the detractors were settling political scores and that the charges were unfounded. NEON receives federal funding and it is important to support them.

Rev. Bolden said that NEON has taken many hits. She also related how many people at the recent banquet told stories about how NEON had helped them. Rev. Bolden said that her son had attended the Head Start Program years ago and how it helped her as a parent in a time of need.

Mr. Grant said that he applauded the resolution and said that the review process had revealed that Mr. Mann and the rest of the staff had moved forward.

**\*\* THE MOTION TO APPROVE THE RESOLUTION FROM THE COMMON COUNCIL SUPPORTING NEON (NORWALK ECONOMIC OPPORTUNITY NOW) INC. PASSED UNANIMOUSLY.**

#### **X. SUSPENSION OF THE RULES**

**\*\* REV. BOLDEN MOVED TO SUSPEND THE RULES TO ADD AN ITEM REGARDING THE RECENT FAA CHANGES IN AIR TRAFFIC PATTERNS TO THE AGENDA.**

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

The Mayor explained that Atty. Guliuzza. had attended the recent meeting regarding the FAA changes in air routes. He stated that apparently the FAA did not consult with the air traffic controllers before issuing these changes.

Atty. Guliuzza. came forward and gave a brief overview of the current situation regarding the recent FAA changes to air traffic patterns. Atty. Guliuzza. then reviewed the names of the various towns that were joining together in a coalition to file a suit against the FAA. She explained that the Council was being asked tonight to authorize the Mayor to join the suit and that the initial payment would be \$30,000 to the attorneys. The filing date for the suit is November 5th.

**\*\* COUNCIL PRESIDENT COFFEY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO JOIN THE COLLATION OF TOWNS IN THE SUIT**

**AGAINST THE FAA REGARDING THE RECENT CHANGES IN THE AIR TRAFFIC FLIGHT PATTERNS.**

Council President Coffey had some concerns about ongoing oversight of the legal firm. Atty. Guliuzza. assured him that she would be monitoring the situation. The Mayor also stated that he would be bringing the contract to the Council for approval at the appropriate time.

Mr. Krummel said that as a pilot, he was confused. He asked Atty. Guliuzza. about the November 5th deadline filing date. Atty. Guliuzza. reviewed the details with him and said that the law firm was preparing the brief even though they had not received any funding at this time. The motion was just confirmation that the City of Norwalk was in fact going to be part of the suit but did not commit the City to participate in the suit if the City wished to withdraw at a later date.

**\*\* THE MOTION TO AUTHORIZE THE MAYOR, RICHARD A MOCCIA TO JOIN THE COLLATION OF TOWNS IN THE SUIT AGAINST THE FAA REGARDING THE RECENT CHANGES IN THE AIR TRAFFIC FLIGHT PATTERNS PASSED UNANIMOUSLY.**

**ADJOURNMENT**

The Mayor wished everyone an enjoyable two weeks of campaigning before the next election.

Rev. Bolden encouraged everyone to pray for the people in California affected by the wild fires.

**\*\* MS. ROMANO MOVED TO ADJOURN.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:02 p.m.

Respectfully submitted,  
Sharon L. Soltes  
Telesco Secretarial Service