

Common Council Actions

OCTOBER 25, 2005

CITY OF NORWALK 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.

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, October 25, 2005 in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex A. Knopp called the meeting to order at 8:05 p.m. and led the assembly in reciting the Pledge of Allegiance. He asked for a moment of silence in memory of Ms. Rosa Parks. He has ordered the flags in Norwalk to be flown at half-staff in her honor.

I. ROLL CALL

Ken Baker William Krummel
Fred Bondi Richard McQuaid
Michael Coffey Matthew Miklave
Carvin Hilliard Douglas Sutton
Douglas Hempstead Peter Wien
Betsy Bain Lee Levey
Phyllis Bolden Kevin Poruban
Jeannette Olmstead-Sawyer

Ms. Stark read the roll call. There were 15 council members present.

II. ACCEPTANCE OF MINUTES

A. REGULAR MEETING – October 11, 2005

**** MR. BONDI MOVED TO ACCEPT THE MINUTES OF OCTOBER 11, 2005.**

The corrections to the minutes are as follows:

On page 7, 6th paragraph, Mr. McQuaid's request to see the list of the surplus inventory from the Board of Education had been omitted from the minutes.

On page 7, 2nd line, the cost per phase at Kendall would be \$75,000, not \$475,000.

**** MOTION PASSED WITH FOURTEEN (14) VOTES IN FAVOR (BAKER, BONDI, COFFEY, HILLIARD, HEMPSTEAD, BAIN, BOLDEN, KRUMMEL, MCQUAID, MIKLAVE, SUTTON, WIEN, LEVEY, PORUBAN) AND ONE (1) ABSTENTION (OLMSTEAD-SAWYER).**

III. PUBLIC PARTICIPATION

Mr. Robert Griffith, 24 Sable Street, has been diligent with trash and litter problems in his South Norwalk neighborhood. He felt the ordinance should have had more thought put into it, and it should be sent back to the Ordinance Committee.

Ms. Julia Burton, spoke in support of the NHPPO ordinance. She and her husband attended the meeting last week and feel strongly about protecting property rights. They don't live in the affected areas but they are small business owners. She asked that the ordinance be supported.

Mr. Michael Scaudione, spoke in support of the NHPPO ordinance. He and his family have had an automotive repair business on Leonard St since 1955. They lost the first shop in the flood, and then the property was condemned. They purchased property on Leonard Street that is now part of Parcel 2a of the Wall Street redevelopment plan. Now they are at risk for having the family property taken again. The business has served three generations of people in Norwalk. The City claims that they have used eminent domain wisely. He sees people working hard only to have their businesses taken away in the name of economic development. He urged that the ordinance be supported as a statement that dictates to the taxpayers of Norwalk and their investment in this City.

Mr. Terry Page, owns a business at 22 Leonard St, and spoke in support of the NHPPO. He would like to keep his business there. If they put the ordinance in effect, it should be looked at more closely. He will vote in favor of it because it is an important issue.

Mr. Douglas Peoples declined to speak, saying that the Council Members were aware of his position on the Fodor Farm proposal.

Ms. Jacqueline Trofa, read the letter she and her husband wrote to Governor Rell. He and his family emigrated to the United States from Italy in 1968. He opened an auto business in 1983. The offers they received for their property were not equal to what the property was worth, or what the business was worth. No one gets compensated for their business in an eminent domain situation. Ms. Trofa said her husband signed the offer under financial and emotional duress. He wants to be compensated for his property and business and not have the City benefit from tax dollars.

Mr. John Louizos, Attorney, said he is representing two property owners in the Wall Street area. He applauds them for taking this up, and he urged everyone to think of the people that will be directly affected. The ordinance may be illegal, and would open up a can of worms regarding liability.

Mr. Lou Guarneri, spoke regarding eminent domain. It is unfortunate but appropriate at times. There would be no future development in Norwalk if there wasn't eminent domain. That is being said by many developers and it is not correct. He is not in the path of eminent domain right now, but he expects he will be in the near future.

Ms. Lucy McShane has owned the building at 14 Main Street for 38 years. In 1984, she was evicted from 500 West Avenue by the YMCA. After 21 years, she no longer has any security. She asked everyone to vote in favor of this.

Mr. Ed Musante, Jr, President of the Greater Norwalk Chamber of Commerce. He was asked to appear tonight on behalf of the Board of Directors on this very important subject. The use of eminent domain to acquire property by a governmental agency for any purpose is a complex issue, and to use it for economic development purposes is even more complex and requires a great deal of study. It can only be done so with the majority vote of Common Council. He suggested to take it up on a case by case basis, not ban it, and send it back to the Committee for more thought and more study.

Ms. Diane Lauricella said she was in favor of an ordinance to protect property rights. It is not written correctly. They should define blight. She feels that eminent domain should be used sparingly. This ordinance is not the right one.

Mr. William Wrenn spoke in favor of the NHPPO, and distributed a quote from the internet. He asked them to consider the ordinance, and while it's not perfect, it's a step in the right direction.

Ms. Terri Tylo asked to end the practice of taking people's businesses and homes. Developers are more cared for than the constituents. She asked that no more appointments be made to the Historical Commission until the situation is resolved. She feels that these appointments are flammatory so close to the Election.

Mr. Richard Moccia thanked the Mayor and commented him on remembering Rosa Parks. An emotional issue like this shouldn't have all the developers listed as bad. Some of them have done well in Norwalk. They have to watch out for businesses in town. There has to be some balance. A bad law is worse than no law at all. He suggested that they send it back to the Committee for further review. It is obvious that the present manner of using eminent domain has been done incorrectly in the past, but it is needed for economic development.

Ms. Nancy Esposito has owned and operated a business for 25 years that would be part of the West Avenue redevelopment project. The country is strong and so is the City, and they don't need to take businesses and properties away from real people to make it happen.

Mr. Clay Fowler is a small business owner and he urged the Council to consider all the factors involved. It is beyond just "grabbing property". The developers do give back to the community in the form of affordable housing. He is sympathetic to the members of audience that feel they are part of a "beleaguered" class.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Reappointments: Diane Beltz-Jacobson, Esq., Assistant Corporation Counsel

**** MR. KRUMMEL MOVED TO REAPPOINT DIANE BELTZ-JACOBSON AS ASSISTANT CORPORATION COUNSEL.**

**** MOTION PASSED UNANIMOUSLY.**

Appointments: Mary Geake – Fair Rent Commission – Alternate
Clarence Bowden – Fodor Farm Historic Study Committee
Elizabeth Fenton – Historical Commission
John Kurtzman – Historical Commission

Mayor Knopp said that Ms. Geake was in the audience tonight. She is very active in the community.

**** MR. HILLIARD MOVED TO APPROVE THE APPOINTMENT OF MARY GEAKE TO THE FAIR RENT COMMISSION AS AN ALTERNATE.**

Mr. Hilliard feels this is an excellent appointment. He works with her in the South Norwalk community.

**** MOTION PASSED UNANIMOUSLY.**

Mr. Bowden is a carpenter in town and has been involved with historic restoration of homes. Mayor Knopp appreciated Mr. Bryant suggesting this appointment.

**** MR. KRUMMEL MOVED TO APPROVE THE APPOINTMENT OF CLARENCE BOWDEN TO THE FODOR FARM HISTORIC STUDY COMMITTEE.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Fenton has served for three years as Executive Director of the Darien Historical Society. She runs special events, educational programs, etc, and her resume is attached.

**** MS. BAIN MOVED TO APPROVE THE APPOINTMENT OF ELIZABETH FENTON TO THE HISTORICAL COMMISSION.**

Ms. Bain said she worked with Ms. Fenton on the Darien Board of Education.

**** MOTION PASSED WITH FOURTEEN (14) VOTES IN FAVOR (BAKER, BONDI, OLMSTEAD-SAWYER, HILLIARD, HEMPSTEAD, BAIN, BOLDEN, KRUMMEL, MCQUAID, MIKLAVE, SUTTON, WIEN, LEVEY, PORUBAN) AND ONE (1) ABSTENTION (COFFEY).**

**** MR. BONDI MOVED TO APPROVE THE APPOINTMENT OF JOHN KURTZMAN TO THE HISTORICAL COMMISSION.**

Mr. Kurtzman owns a sign company in Norwalk. He has been very involved in his neighborhood in South Norwalk. He has done a tremendous amount of research about the area, and he is a great historian. Mr. Krummel said that he has been receiving correspondence about this appointment. He feels they would have been better served if they had discussed it prior because of the controversies involved. Mr. Kurtzman's resume had not been included with the agenda information. Mr. Hempstead asked if it was possible to table a recommendation. Mayor Knopp said yes. Mr. Hempstead feels that it's necessary to see the resume and take it up again.

**** MR. HEMPSTEAD MOVED TO TABLE THIS APPOINTMENT ASSUMING THE RESUME IS AVAILABLE AT NEXT MEETING.**

There was discussion regarding the appointment of people at the last Council meeting. Mr. Bondi asked Mr. Hempstead to withdraw his motion to table. Mr. Bondi said Mr. Kurtzman's resume was submitted twice already.

**** MOTION APPROVED WITH SEVEN (7) VOTES IN FAVOR (HEMPSTEAD, MCQUAID, HILLIARD, PORUBAN, LEVEY, KRUMMEL, WIEN), FIVE (5) VOTES OPPOSED (BAKER, BONDI, BORDEN, MIKLAVE, SUTTON), AND THREE (3) ABSTENTIONS (OLMSTEAD-SAWYER, BAIN, COFFEY)**

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**** MR. BONDI MOVED TO APPROVE THE FOLLOWING ITEMS ON THE CONSENT CALENDAR:**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

2. For informational purposes only: Monthly Tax Collector's Reports Dated September 30, 2005.

3. For informational purposes only: Monthly Tax Collections dated Oct. 13, 2005.

4. To approve the 2005-2005 Desktop Refresh Program with the following activities:

a. Authorize the Purchasing Agent to issue purchase orders to Dell Computer Corporation for 56 personal computer workstations, Dell quote 245643407, dated 9/21/05, according to City IT Department specification for an amount not to exceed \$56,058.24 (2 computers added per Finance Committee amendment). Acct. # 09060600-5777-C0375 (IT Capital)(Desktop Technology Refresh).

- b. Authorize the Purchasing Agent to issue purchase orders to Dell Computer Corporation for 30 workstation monitors, Dell quote 244299723, dated 9/14/05, according to City IT Department specification for an amount not to exceed \$7,624.50 Acct. #09060600-5777-C0375 (IT Capital) (Desktop Technology Refresh /Library Monitors)
- c. Authorize the Purchasing Agent to issue 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 \$8,000.00 Acct. #09060600-5777-C0375 (IT Capital) (Electronic Asset Disposal Program)
- d. Authorize the Purchasing Agent to issue purchase orders for the replacement of up to 15 aging printers and 2 additional printers for an amount not to exceed \$8,975.00 (2 new basic printers added per Finance Committee amendment) Acct. #09060600-5777-C0375 (IT Capital) (Desktop Technology Refresh/Printers).
- e. Authorize the Purchasing Agent to issue purchase order to ASAP Software for 2 Microsoft Office licenses for an amount not to exceed \$1,000.00 (for computers added in Finance Committee) Acct. #09060600-5777-C0375 (IT Capital) (Desktop Technology Refresh/Printers).

5. Authorize the Mayor, Alex A. Knopp, to execute a Memorandum of Understanding with the Norwalk Transit District so that the City could accept reimbursement from the Norwalk Transit District as consideration for its being integrated in the City's Municipal Area Network.

6a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with All Phase Electrical Contracting, Inc., for project 2273, Voice and Data Cabling for City Hall, Health and the Public Works Center for a sum not to exceed \$146,326.48. Acct. #09-060600-5777-C0376.

6b. Authorize the Director of Information Technology to issue orders on contract to All Phase Electrical Contracting, Inc., for project 2273, Voice and Data Cabling for City Hall (including Common Council Caucus Rooms and Council Chambers), Health and the Public Works Center for a sum not to exceed \$14,632.65. Acct. # 09-060600-5777-C0376.

7. Authorize the Mayor, Alex A. Knopp, to execute a contract amendment with RCC Consultants in the amount of \$9,655 to prepare necessary documents for review of Nextel Transition Plan Re: Radio Communications.

B. RECREATION AND PARKS & CULTURAL AFFAIRS COMMITTEE

1. Approve the move of the Hungarian monument from Freeze Park to the Thomas O'Connor Park Heritage Wall.

2a. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with United Haitian-American Society for the 4th Annual Haitian American Day to be held at Veterans Park on Saturday, July 22, 2006 from 8:00 AM – 9:00 PM. Estimated attendance 1,000.

2b. Approve the use of the Showmobile by the United Haitian American Society for their 4th Annual Haitian American Day to be held at Veterans Park on Saturday, July 22, 2006 from 8:00 AM – 9:00 PM.

3. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Round Hill Highland Games Inc. for the annual Round Hill games to be held at Cranbury Park on Saturday, July 1, 2006 from 9:00 AM – 6:30 PM. Set-up would start at 12:00 Noon on Thursday, June 29, 2006 and breakdown by 12:00 Noon Monday, July 3, 2006, Estimated attendance 2,000+.

4. Technical Correction: Authorize the Mayor, Alex A. Knopp to enter into an agreement with the Norwalk Hospital for their annual Whittingham Cancer Center “Walk this way ... with us”. To be held at Calf Pasture Beach on Saturday, May 13, 2006 from 8:00 AM – 3:00 PM. Estimated attendance 600. Set-up on Friday May 12, 2006 at 5:00 PM and breakdown on Saturday, May 13, 2006 by 6:00 PM.

5. Technical Correction: Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the March of Dimes Birth Defects Foundation for their annual Walk America to be held at Calf Pasture Beach on Sunday April 30, 2006 from 10:00 AM – 3:00 PM. Setup will begin at 5:30 AM with breakdown by 5:00 PM. Estimated attendance 500-700.

6. Approve the use of Veterans Park by the Board of Education for their annual Norwalk River Fun Run to be held on Saturday, December 3, 2005 from 9:00 AM – 11:00 AM. Estimated attendance 600.

7. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Norwalk Karting Association for the use of Calf Pasture Beach for their Spring & Fall 2006 season to be held on Saturdays from 8:00 AM – 4:00 PM. Spring Dates - March 25, April 1, 8, 15, 22, 29, May 6, 20. Fall Dates – September 30, October 7, 14, 21, 28, November 4, 11, 18. With Sundays as rain dates (not available May 21, 2006). Estimated attendance 150 each day.

8. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with TriFitness LLC for the use of Calf Pasture Beach for their annual SOBE Mossman Triathlon to be held on Sunday, July 16, 2006 from 5:00 AM – 11:00 AM. Setup 12:00 Noon on Saturday, July 15, 2006 with breakdown by Monday, July 17, 2006 at 12:00 Noon. Estimated attendance 600+.

9. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Columbian American Family Entertainment to use Veterans Park for the Columbian Independence Celebration to be held on Sunday, July 16, 2006 from 12:00 Noon – 8:00 PM. Setup to

take place on Sunday, July 16, 2006 at 7:00 AM with breakdown by Monday, July 17, 2006 at Noon. Estimated attendance 5000+.

10. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the South Norwalk Social Service Center for the use of Veterans Park on Saturday, August 19, 2006 from 8:00 AM – 8:00 PM for their Community Unity Event. Estimated attendance 1,500.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute a lease agreement with Norwalk Historical Society for the use of the Mill Hill Town House, the School House and the Fitch Law Office.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

A. PUBLIC WORKS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with the Lowest Responsible Bidder, for Project No. TRF 2005-1, Proposed Traffic Signal US Route 7 at Foxboro Drive, for a sum not to exceed \$396,751.65.

1b. Authorize the Director of Public Works to issue orders on Contract to the Lowest Responsible Bidder, for Project No. TRF 2005-1, Proposed Traffic Signal US Route 7 at Foxboro Drive, for a sum not to exceed \$20,000.00. Acct # 0904 4120 5777-C0284.

Both IX A1a and 1b were moved to consent to table to next meeting.

Mayor Knopp asked if anyone wanted an item removed from the consent calendar.

Mr. Hempstead asked why IX A1a and A1b were moved to consent to table to next meeting. Mayor Knopp said it was the result of a meeting they had recently.

**** MOTION PASSED UNANIMOUSLY.**

V. COUNCIL PRESIDENT

B. OTHER GENERAL COUNCIL BUSINESS

Resolved, that the regular meeting of the Common Council to be held on Tuesday, November 8, 2005, shall convene at 12 Noon in the Common Council Chambers and shall be recessed until Wednesday, November 9th at 8:00 PM in the Council Chambers.

**** MR. BONDI MOVED TO APPROVE THE REGULAR MEETING OF THE COMMON COUNCIL BE HELD ON TUESDAY, NOVEMBER 8, 2005 AND SHALL CONVENE AT 12 NOON IN THE COMMON COUNCIL CHAMBERS, AND SHALL**

BE RECESSED UNTIL WEDNESDAY, NOVEMBER 9TH AT 8:00 PM IN THE COUNCIL CHAMBERS.

** MOTION PASSED WITH THIRTEEN (13) VOTES IN FAVOR (BAKER, BONDI, OLMSTEAD-SAWYER, HILLIARD, COFFEY, BAIN, BOLDEN, KRUMMEL, MIKLAVE, SUTTON, WIEN, LEVEY, PORUBAN) IN FAVOR AND TWO (2) OPPOSED (HEMPSTEAD, MCQUAID)

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. Accept and approve the Report of the Claims Committee Dated October 13, 2005.

** MR. HILLIARD MOVED TO ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED OCTOBER 13, 2005.

Mr. Miklave recused himself.

** MOTION PASSED WITH FOURTEEN (14) VOTES IN FAVOR (BAKER, BONDI, OLMSTEAD-SAWYER, HILLIARD, HEMPSTEAD, BAIN, BOLDEN, KRUMMEL, MCQUAID, COFFEY, SUTTON, WIEN, LEVEY, PORUBAN) AND ONE (1) RECUSE (MIKLAVE)

8. Resolution from the Finance Committee to ask the Mayor per Section 1-230 (shown below) of the Norwalk Code to put on the agenda the hiring of Attorney Mike Corsello to represent Democratic Registrar of Voters Betty Bondi and Attorney John Millici to represent Republican Registrar of Voters Karen Doyle Lyons for work performed in relation to a consent agreement with the State of Connecticut.

1-30. Employment of attorneys.

The Mayor of said city, when in his opinion it is necessary, may, with the consent of the Council, employ attorneys, other than the Corporation Counsel, in matters affecting the interest of said city, and all services rendered to said city by such attorneys shall be paid for in the same manner as other claims against said city. (Sp. Laws 191, No. 352, 65.)

** MR. HILLIARD MOVED TO APPROVE THE RESOLUTION FROM THE FINANCE COMMITTEE TO ASK THE MAYOR PER SECTION 1-230 (SHOWN ABOVE) OF THE NORWALK CODE TO PUT ON THE AGENDA THE HIRING OF ATTORNEY MIKE CORSELLO TO REPRESENT DEMOCRATIC REGISTRAR OF VOTERS BETTY BONDI AND ATTORNEY JOHN MILLICI TO REPRESENT REPUBLICAN REGISTRAR OF VOTERS KAREN DOYLE LYONS FOR WORK PERFORMED IN RELATION TO A CONSENT AGREEMENT WITH THE STATE OF CONNECTICUT.

Mr. Bondi recused himself.

Mr. Hilliard said at the finance committee meeting, there was a good discussion with the press present and he is personally in favor of reimbursing both Registrars of Voters for their fines and legal fees. Mr. Miklave said the item is a resolution to retain Council for the Republican and Democrat Registrar of Voters to assist them with litigation with the State of Connecticut over the alleged failure of those individuals to comply with State law. The City has a responsibility to reimburse fines imposed because of their negligence. This Council has three times previously been requested to retroactively approve the funds of the Registrar of Voters. The Council had approved them twice, but not the third time. He would not vote for this.

Mr. Hempstead said this was a bipartisan issue. He suggested that they take care of it and move on. He doesn't think it was willful on their part and it is not a major fine.

Mr. Coffey said that he applauds Mr. Hilliard for chairing the committee. He said a lot of time has been spent on this and it is a bi-partisan issue. Mr. Ciccarello was asked how much money was in the outside counsel fund. Mr. Ciccarello said there is money in the account, and it has generally been used to pay for counsel beforehand, not after the fact.

Ms. Bain said she has issue with a precedent possibly being set that employees hire lawyers and come back to ask for reimbursement. She said she would not vote in favor of this.

**** MOTION APPROVED WITH NINE (9) VOTES IN FAVOR, (KRUMMEL, SUTTON, COFFEY, LEVEY, PORUBAN, HILLIARD, WIEN, HEMPSTEAD, MCQUAID), TWO (2) OPPOSED (MIKLAVE, OLMSTEAD-SAWYER), THREE (3) ABSTENTIONS (BAKER, BOLDEN, BAIN), AND ONE (1) RECUSED (BONDI).**

C. ORDINANCE COMMITTEE

1. Proposed amendment to the Code of the City of Norwalk, Section 95A, Littering.

**** MR. COFFEY MOVED TO APPROVE THE PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NORWALK, SECTION 95A, LITTERING.**

Mr. Coffey asked Mr. Alvord to speak about the genesis of the ordinance.

Mr. Alvord said there are two significant additions to the proposed revisions to Chapter 95A, Littering. One is illegal dumping. And the other is the handbill distribution. Mr. Coffey said that he commends the Mayor's Anti-Litter Task Force and said it is a quality of life issue. He has received many complaints from business owners. The handbill law has been in place in several areas, and there are substantial cases for its validity. Mr. Miklave applauded Mr. Poruban and Mr. Coffey for bringing this forward.

Mr. Hempstead said the language isn't clear regarding the fines.

**** MOTION PASSED UNANIMOUSLY.**

3. Proposed amendment to the Code of the City of Norwalk, Section 94, Solid Waste, Collection and Disposal of.

** MR. COFFEY MOVED TO APPROVE THE PROPOSED AMENDMENT TO THE CODE OF THE CITY OF NORWALK, SECTION 94, SOLID WASTE, COLLECTION AND DISPOSAL OF.

Mr. Coffey thanked Mr. Alvord, Mr. Poruban, and the Mayor's Anti-Litter Task Force for handling this problem.

Mr. Alvord said Chapter 94 is a contract that expires at the end 2008. He would not recommend the

