

**COMMON COUNCIL  
NORWALK, CONNECTICUT**

**NOVEMBER 12, 2008  
8:00 P.M. EST 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.**

**CALL TO ORDER**

Mayor Moccia called the meeting to order at 8:10pm and led the assembly in the Pledge of Allegiance. Following this, the Mayor requested a moment of silence in memory of Thomas O'Connor, one of Norwalk's prominent residents who had frequently participated in the City's government. Mr. O'Connor had passed away earlier in the week.

**I. ROLL CALL**

Ms. Roman called the roll.

Fred Bondi	Amanda Brown
Michael Geake	Richard McQuaid
Douglas Sutton	Richard Bonenfant
Steven Serasis	Carvin Hilliard
Laurel Lindstrom	William Krummel
Rev. Phyllis Bolden	Douglas Hempstead
Kelly Straniti	Andrew T. Conroy

**ABSENT:** Nicholas Kydes

There were fourteen members (14) present and one (1) member absent.

**II. ACCEPTANCE OF MINUTES**

Regular meeting – **October 28, 2008**

**\*\* MS. LINDSTROM MOVED THE MINUTES OF THE REGULAR MEETING OF OCTOBER 28, 2008.**

**\*\* THE MOTION PASSED WITH TWELVE IN FAVOR ( BOND, BROWN, GEAKE, MCQUAID, SUTTON, BONENFANT, SERASIS, HILLIARD, BOLDEN, HEMPSTEAD, STRANITI, LINDSTROM AND CONROY) AND ONE ABSTENTION (KRUMMEL).**

**III. PUBLIC PARTICIPATION**

Mr. Kiel Evans came forward and said that what he wanted to speak about was not on the agenda. The Mayor said that while he was aware of the issue that Mr. Evans wished to speak about, the Council rules did not allow the public to comment on issues that were not on the agenda.

Rev. Bolden said that the Planning Committee would be on the 17th and Mr. Evans could be address the Committee at that time.

#### **IV. MAYOR**

##### **A. RESIGNATIONS AND APPOINTMENTS**

**Resignations:** There were no resignations to consider at this time.

**Appointments:** There were no appointments to consider at this time.

**Reappointments:** There were no reappointments to consider at this time.

##### **B. REMARKS**

Mayor Moccia thanked Council members for their attendance at the Veterans Memorial Service. Mayor Moccia also commented on the history making Presidential election of Barack Obama. Mayor Moccia said that he would like to extend his appreciation to those who ran in the recent election. He also said that he would like to congratulate President Elect Obama on his election.

Mayor Moccia said that Business Week recently had announced that Norwalk was the third best place in the nation to raise children and he was pleased about this.

#### **V. COUNCIL PRESIDENT**

##### **A. GENERAL COUNCIL BUSINESS**

Council President Bondi announced that Agenda Item VII B. 4 Authorize the Mayor, Richard A. Moccia, to execute an Agreement with CRW Systems, Inc. to provide permit and project administration software, data conversion, training, technical support and implementation for a sum not to exceed \$150,000.00. Account No.03 0000 2602 would be sent back to committee.

**\*\*CONSENT TO SEND BACK TO COMMITTEE**

##### **B. CONSENT CALENDAR**

**\*\* MR. BONDI THEN MOVED THE FOLLOWING ITEMS ON THE CONSENT CALENDAR:**

#### **VI. AGENCIES, BOARDS & COMMISSIONS**

## **VII. COMMON COUNCIL COMMITTEES**

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

- 1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH THE CONNECTICUT DEMHS FOR THE PARTICIPATION IN THE DEMHS EMERGENCY MANAGEMENT PERFORMANCE GRANT.**
- 2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE MOA'S WITH THE CONNECTICUT DEMHS FOR THE PARTICIPATION IN THE DEMHS EMERGENCY MANAGEMENT REGIONAL GRANT PROGRAM.**
- 3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO SIGN ANY AND ALL DOCUMENTS FROM THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION FY 2009 COMPREHENSIVE DUI ENFORCEMENT PROGRAM RELATING TO CONTRACTING, ACCEPTING FUNDS AND IMPLEMENTING THE PROGRAM TO BE CONDUCTED BY THE NORWALK POLICE DEPARTMENT IN THE AMOUNT OF \$33,975.00(75%) WITH THE REMAINING FUNDS \$11,325.00(25%) TO BE PAID FOR THROUGH POLICE OVERTIME AND/OR ASSET FORFEITURE FUNDS**

### **B. PUBLIC WORKS COMMITTEE**

- 3. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO WESCO, INC. FOR THE PURCHASE OF A 2008 STONE WP4100 SELF-PROPELLED VIBRATORY ROLLER (WITH HYDROSTATIC DRIVE) AND A 2008 CAM TRAILER, MODEL 2.5CAM612TT, FOR A SUM NOT TO EXCEED \$26,680.00. ACCOUNT NO. 09094031 5777 C0313**
- 4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH CRW SYSTEMS, INC. TO PROVIDE PERMIT AND PROJECT ADMINISTRATION SOFTWARE, DATA CONVERSION, TRAINING, TECHNICAL SUPPORT AND IMPLEMENTATION FOR A SUM NOT TO EXCEED \$150,000.00. ACCOUNT NO.03 0000 2602 CONSENT TO SEND BACK TO COMMITTEE**

Mr. Krummel wished to know why there were no account numbers attached to Agenda Items VII A 1 & 2

Chief McCarthy came forward and explained that these were grants and that normally there are not numbers attached to these funds. It will depend on the distribution of the funds. He then reviewed the objective of the MOA.

The second item is about Norwalk receiving \$38,000, which is based on three Norwalk employees, the Director of Emergency Management; the Deputy Director of Emergency Management and the Secretary for Emergency Management.

Mr. Krummel then asked if there were any matching funds from the City involved. Chief McCarthy said that there would not be a cash match for this program. The Mayor then requested that if there were no matching funds required that it would be noted on the agenda.

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

**Authorize the Purchasing Agent to issue a purchase order to Marion Body Works, 211 West Ramsdell WI, for a Fire Department pumper truck for a price not to exceed \$393,288.00. This is an extension of bid #2359, pumper truck. Capital account #090931105777 C0437.**

Ms. Brown said that she had a few questions regarding the cost of truck. She said that she wished to confirm that the other bidder was not excluded from the work.

Chief McCarthy said that the Department was working on standardizing all the trucks in order to allow all the firefighters to locate the equipment hook ups on any piece of equipment. This also allows the maintenance crews to do repairs more efficiently. This is why the bid was extended. After January 1st there will be significant changes in fire equipments. From the Department's perspective, it would be important to have the vehicle on order before January 1st.

Ms. Brown then asked how long the vehicles are on the road. Chief McCarthy said that the vehicles are used as primary vehicles for about 15 years and then are kept in reserve for a number of years after that.

Mr. Krummel asked if having a standardized fleet would result in having a sole source provider. Chief McCarthy said that the second bidder was only \$9,000 higher and that he could make a case for using the second bidder with a small financial differential but not if there was a major difference. Chief McCarthy pointed out that the Department would be reluctant to abandon the standardization.

Mr. Krummel said that he had a problem with the back up material because it was not stated in the back up that the Department was working towards standardization. He said that he felt that there should have been a similar analysis for the second bidder. Chief McCarthy said that to do so would have required a new bid and that the Department was following the lead of the Purchasing Department.

Mr. Conroy then asked for clarification about the original bid, which Chief McCarthy reviewed with him.

Rev. Bolden then asked about the extension of the bid. Chief McCarthy explained that the bid had to be adjusted to cover the cost of the increase of materials.

**\*\* THE MOTION TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO MARION BODY WORKS, 211 WEST RAMSDELL WI, FOR A FIRE DEPARTMENT**



**PUMPER TRUCK FOR A PRICE NOT TO EXCEED \$393,288.00. THIS IS AN EXTENSION OF BID #2359, PUMPER TRUCK. CAPITAL ACCOUNT #090931105777 C0437 PASSED UNANIMOUSLY.**

**B. PUBLIC WORKS COMMITTEE**

1. Technical Correction to Common Council, item VII.C1, dated July 8, 2008.:

**Original item:**

Authorize the Mayor, Richard A. Moccia, to execute an agreement with Milone and MacBroom, Inc. for the design of a culvert replacement on Rowayton Avenue at Woodchuck Lane for a sum not to exceed \$79,500.

Account No. 090740215777 C0395 (FEMA grant)

**Corrected authorization:**

Authorize the Mayor, Richard A. Moccia, to execute an agreement with Milone and MacBroom, Inc. for the design of a culvert replacement on Rowayton Avenue at Woodchuck Lane for a sum not to exceed **\$87,500**. Account No. 090740215777 C0395 (FEMA grant)

Mr. Krummel then explained that there was an oversight on the part of Public Works Department regarding the Malone and MacBroom. Mr. Alvord said that the contract included a clause for reimbursable, which was not included

Ms. Brown asked if the additional funding would be coming from the City. Mr. Alvord said that the funding was from FEMA and would not be an additional cost to the City.

**\*\* THE MOTION TO APPROVE THE TECHNICAL CORRECTION TO COMMON COUNCIL, ITEM VII.C1, DATED JULY 8, 2008:**

**ORIGINAL ITEM:**

**AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH MILONE AND MACBROOM, INC. FOR THE DESIGN OF A CULVERT REPLACEMENT ON ROWAYTON AVENUE AT WOODCHUCK LANE FOR A SUM NOT TO EXCEED \$79,500. ACCOUNT NO. 090740215777 C0395 (FEMA GRANT)**

**CORRECTED AUTHORIZATION:**

**AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH MILONE AND MACBROOM, INC. FOR THE DESIGN OF A CULVERT REPLACEMENT ON ROWAYTON AVENUE AT WOODCHUCK LANE FOR A SUM NOT TO EXCEED \$87,500. ACCOUNT NO. 090740215777 C0395 (FEMA GRANT)**

**PASSED UNANIMOUSLY.**

2a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with A.J. Penna & Son Construction of CT, Inc. for Project No. DRG 2008-1, Olmstead Pond, Noah's Lane and Meadowbrook/Fullmar Drainage Improvements, for a sum not to exceed \$883,961.25.

2b. Authorize the Director of Public Works to issue Orders on Contract to A.J. Penna & Son Construction of CT, Inc. for Project No. DRG 2008-1, Olmstead Pond, Noah's Lane and Meadowbrook/Fullmar Drainage Improvements, for a sum not to exceed \$88,396.00.

Account No(s).	0908 4027 5777 C0422	(\$350,000)
	0908/09 4027 5777 C0423	(\$311,021)
	0907/09 4027 5777 C0302	(\$270,624)
	0908 4027 5777 C0421	(\$41,000)

Ms. Brown asked what the timeline was for the project. Mr. Alvord said that he had hoped to have this project done already, but the projects required some easements, which the City was in the process of negotiation for.

Ms. Brown then asked for clarification regarding the accounts. Mr. Alvord said that the Department was scrubbing old accounts.

**\*\*THE MOTION WAS APPROVED UNANIMOUSLY**

## **VII. COMMON COUNCIL COMMITTEES** *(continued)*

### **B. PERSONNEL COMMITTEE**

#### **1. Approve Affirmative Action Plan.**

**\*\* MR. MCQUAID MOVED THE ITEM.**

Mr. McQuaid said that the Affirmative Action Plan had not been updated since 1979 and added that the Human Relations Committee had approved this plan unanimously. He added that it was a shame that Ms. Bea Brown was not here to see the update of this document.

Mr. Bonenfant said that he would like to make a friendly amendment to page 6 under the number 8, which reads "Acting as liaison between the City and organizations and community groups concerned with employment opportunities for minorities, women, disabled persons, veterans and other protected classes." Mr. Bonenfant had concerns about the word "other" which he suggested be changed to "statutorily".

Ms. Straniti asked about whether women would be considered a protected class. Mr. Bovilsky said that federal and state law does not define it and the list does not include all of the protected classes, but pointed

out that this would be covered under “gender”. Ms. Straniti then asked if Middle Eastern would be considered a protected class in Appendix B on page 18. Mr. Bovilsky said that national origin was a protected class.

Ms. Brown then asked if the term “Blacks” on page 18 could be changed to “those of African descent”, which is the new politically correct term. Mr. Haselkamp said that the wording was directly from the EOCC. Mr. Bovilsky said that if the term was changed to “those of African Descent” would also include those who were white and those who were from Northern Africa and not necessarily black. Mr. Haselkamp said that by not using the commonly accepted terminology, it could interfere with statistical studies.

Atty. Maslin then asked whether the City would be matching the EOCC terminology on application forms. Mr. Haselkamp replied that the terminology would be matching.

Rev. Bolden then thanked Mr. Haselkamp for the work on this document. She then asked if on a local level, the City could expand the definition of race in terms like being African American of Haitian descent or other similar ethnicity. Mr. Haselkamp explained he was concerned with the results of the adjustments and being able to accurately report to the State.

Mr. Conroy said that he noticed that a number of issues were precluded, but that it would not preclude the hiring veterans. Mr. Haselkamp said that when an under representation shows up, extra effort is made to reach out to that particular group.

Ms. Brown then asked about submitting grammatical corrections to the Committee. She then asked for clarification on page 5, which Mr. Haselkamp then reviewed with her. She then suggested a friendly amendment to #4. After some discussion, Mr. Haselkamp pointed out that the phrase “and development of jointly implemented programs” was stated earlier in #2.

Ms. Lindstrom said that she was on the Committee that had worked on this document and was happy that this was going forward.

Mr. Hilliard asked who would be responsible for oversight of these issues. Mr. Bovilsky said that ultimately, the Mayor would be responsible, but that he, as the Affirmative Action Officer would be the “go to” guy for day to day details, since he answers to the Mayor.

The Mayor pointed out that this was a working document and that the City was not trying to implement results but implement opportunity

The Mayor then suggested that the Council vote on the two friendly amendments first and then the final document as amended. This was agreeable to all.

**\*\* MR. BONENFANT MOVED TO AMEND THE DOCUMENT BY CHANGING THE WORDING IN SECTION IV B, NUMBER 8 (PAGE 6) FROM:**

**“ACTING AS LIAISON BETWEEN THE CITY AND ORGANIZATIONS AND COMMUNITY GROUPS CONCERNED WITH EMPLOYMENT OPPORTUNITIES FOR MINORITIES, WOMEN, DISABLED PERSONS, VETERANS AND OTHER PROTECTED CLASSES.”**

**TO:**

**“ACTING AS LIAISON BETWEEN THE CITY AND ORGANIZATIONS AND COMMUNITY GROUPS CONCERNED WITH EMPLOYMENT OPPORTUNITIES FOR MINORITIES, WOMEN, DISABLED PERSONS, VETERANS AND STATUTORILY PROTECTED CLASSES.”**

**\*\* THE MOTION TO AMEND THE DOCUMENT PASSED UNANIMOUSLY.**

**\*\* MS. BROWN MOVED TO AMEND THE DOCUMENT BY CHANGING THE WORDING IN SECTION IV, B, NUMBER 4 (PAGE 5) FROM:**

**“PERIODIC REVIEWS WITH DEPARTMENT HEADS, SUPERVISORY PERSONNEL AND OTHER RESPONSIBLE FOR PERSONNEL ACTIONS TO ENSURE THAT POLICIES ARE UNDERSTOOD AND ARE BEING FOLLOWED AND DEVELOPMENT OF JOINTED IMPLEMENTED PROGRAMS;”**

**TO:**

**“PERIODIC REVIEWS WITH DEPARTMENT HEADS, SUPERVISORY PERSONNEL AND OTHER RESPONSIBLE FOR PERSONNEL ACTIONS TO ENSURE THAT POLICIES ARE UNDERSTOOD AND ARE BEING FOLLOWED;”**

**\*\* THE MOTION TO AMEND THE DOCUMENT PASSED UNANIMOUSLY.**

**\*\* THE MOTION TO APPROVE THE AFFIRMATIVE ACTION PLAN AS AMENDED PASSED UNANIMOUSLY.**

**2. Approve the Board of Education Administrator’s Contract.**

**\*\* MR. MCQUAID MOVED THE ITEM.**

Mr. McQuaid said that this item was on the Personnel Agenda earlier this evening and was the only item on the agenda. He pointed out that no one from the Board of Education was present at the Personnel Committee or even at the Council meeting to answer questions. He added that the contract was marked confidential, and an executive session might be required.

Atty. Maslin deferred to Mr. Haselkamp. Mr. Haselkamp said that the Council has the right to reject an arbitrated agreement. If this was actually rejected, it would go back to the arbitrator and since there was



agreement on both sides, it would not affect the outcome. The Mayor then asked what would happen if the Council took no action. Mr. Haselkamp said that the contract would become valid anyway. A brief discussion then took place about the legal details of the arbitration and how this would affect the contract.

**\*\* MR. BONDI MOVED TO TABLE THE APPROVAL OF THE BOARD OF EDUCATION ADMINISTRATOR'S CONTRACT.**

**\*\* THE MOTION TO TABLE FAILED UNANIMOUSLY.**

Mayor Moccia reminded everyone that Mayor Knopp faced the same issue. Mr. McQuaid reiterated that the Council members had many questions regarding this document and that there was no one from the Board of Education to answer these questions.

Mr. Krummel said that if the contract had been presented to the Council as a proposed contract, there would have been discussion. But since there was arbitration, it became a stipulation agreement, which the Council could not change.

Mr. Hempstead pointed out that the contract was dated by the Town Clerk's as October 22nd. He said that when this type of documentation arrives in the Town Clerk's office, the Mayor and Council should be notified immediately.

He also pointed out that the contract was extremely generous and listed a number of benefits, like an extension of insurance benefits for five years following separation from the City for the employee and their spouse. He also said that there was no discussion of performance evaluations.

Ms. Lindstrom asked if there would be a cost to the taxpayer if the Council rejects this contract. She then had several detailed questions about the contract, which Mr. Haselkamp said that he did not know.

Mr. Conroy said that the Council needed to get past the point where it looks like the Council is being maneuvered. He pointed out that this was a regular Council meeting and that he also doubted that the BOE had a meeting with the Mayor. The Mayor confirmed that he had not been contacted by the BOE about this.

Mr. Serasis said that he really respected Mr. Haselkamp for standing up to attempt to answer the questions of the Council. He said that neither Mr. Haselkamp nor the Council should be in this position. He said that he felt very disrespected.

Mr. Bondi said that this had happened when Mayor Knopp was in office. He said that at that time, the Council had taken no action at all. Mr. Bondi then pointed out that he had a problem with the assignment of vacation days and he then reviewed the details of this. He also pointed out that on school snow days, the Central Office staff do not come to work, but the regular City employees do.

Ms. Brown then suggested that the Council write down the questions and submit them to the BOE for answering.

Mr. Haselkamp pointed out for clarification that when the contract came to the Town Clerk's Office, it was forwarded to Corporation Council and then to him, so the Town Clerk did exactly what he was supposed to do in this instance.

Rev. Bolden reminded everyone that this had happened before and would likely happen again. She said that the ordinance needs to change because it is clear that the District knows how to play the game. Rev. Bolden said that she is on Recreation and Parks and that if the applicant does not show up, then the application is not approved.

Mr. Hilliard pointed out that this is the second time that this had happened and wanted those who might be watching to know this.

Ms. Straniti said that she agreed with much of what has been said and didn't know how the Council was expected to vote on a contract when there was no one present to answer the questions. She said that this was not acceptable.

Mr. Bonenfant asked if it would cost the taxpayers if the Board made a statement by voting no on the contract. Mr. Haselkamp said that he did not know.

Mr. Hempstead said that he was not placing blame on the Town Clerk's office but the process needs to change.

Mr. McQuaid said that he would like to end this issue because there was nothing that the Council could do. Mr. McQuaid said that he hoped that the BOE would read the newspaper or see the broadcast. The Mayor said that he agreed with Mr. McQuaid. He then requested a roll call vote.

**\*\* THE MOTION TO APPROVE THE BOARD OF EDUCATION ADMINISTRATOR'S CONTRACT FAILED WITH ONE IN FAVOR (SUTTON), NINE AGAINST (BONDI, GEAKE, MCQUAID, BONENFANT, HILLIARD, HEMPSTEAD, STRANITI, CONROY, AND KRUMMEL) AND FOUR ABSTENTIONS (BROWN, SERASIS, BOLDEN, AND LINDSTROM).**

**\*\* MOVE TO TABLE FAILED**

**\*\* MOVE TO APPROVE FAILED, WITH ONE IN FAVOR, NINE AGAINST AND FOUR ABSTENTIONS. (Connecticut General Statute § 10-153f (c) (7) requires a two-thirds majority vote to reject arbitration awards.)**

## **VIII. RESOLUTIONS FROM COMMON COUNCIL**

There were no resolutions from the Common Council at this time.

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

There were no motions postponed to a specific date.

**X. SUSPENSION OF THE RULES**

There were no suspensions of the rules.

Mr. Hempstead announced that the next Land Use meeting would be at the Norwalk High School and the tour of the facility will be at 7 p.m.

Mr. Bondi announced that the next Recreation and Parks meeting will be at Cranbury Park in the main building.

**XI. ADJOURNMENT**

**\*\* MR. GEAKE MOVED TO ADJOURN.**

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services

