

Common Council Actions

December 28, 2004

NORWALK, CONNECTICUT 8:00 PM 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.

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, December 28, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor Alex A. Knopp called the meeting to order at 8:10 pm and lead the assembly into the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain Bruce Kimmel (absent)
Kenneth Baker (absent) Richard McQuaid
Fred Bondi Matthew Miklave
Michael Coffey Jeanette Olmstead-Sawyer (absent)
Carvin Hilliard Kevin Poruban
Douglas Hempstead Douglas Sutton
William Krummel Peter Wien (absent)
Leona Williams (absent)

There were ten (10) members present at Roll Call.

III. ACCEPTANCE OF THE MINUTES

A. PUBLIC HEARING – December 8, 2004

**** MR. KRUMMEL MOVED APPROVAL OF THE MINUTES AS AMENDED.**

The following correction was made:

Page one: in the heading change DST to EST.

**** MOTION PASSED NINE (9) VOTES IN FAVOR, ONE ABSTENTION (MR. COFFEY) BY VOICE VOTE.**

B. REGULAR MEETING - December 14, 2004

**** MR. BONDI MOVED APPROVAL OF THE MINUTES AS AMENDED.**

The following corrections were made:

Page one, in the heading change ST to EST. Last line, correct the spelling of Chris Perone.

Page six, in the first paragraph (first and second line) replace Water with Law.

Page ten, correct fifth line to read: Mr. Hempstead asked if an individual is a repeat offender could this trigger arrest. In the sixth line, add the word “pay” after don’t.

Page eleven, first paragraph correct the spelling of Teresa Younger, who is from the CCLU (not ACLU). Same paragraph, last sentence, delete Norwalk and replace with South Main Street.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

III. PUBLIC PARTICIPATION

No members of the public wished to speak this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations

Mayor Knopp thanked Jane Corcillo for her service on the Conservation Commission saying that she has to resign due to the pressures of an expanding business and not being able to commit to the Commission.

The Mayor also thanked Joshua Kammerman for serving on the Human Relations Commission saying that he had moved to Wilton and would therefore be resigning.

Reappointments

Mayor Knopp noted that Elizabeth Ackerman has been diligent in her attendance to the Conservation Commission and has been a very active participant on the Open Space discussions.

**** MR. PORUBAN MOVED TO REAPPOINT ELIZABETH ACKERMAN TO THE CONSERVATION COMMISSION.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mayor Knopp stated that Ed Holowinko is also up for reappointment to the Conservation Commission noting that he has been a diligent alternate and has also been active regarding the Open Space issue.

**** MR. KRUMMEL MOVED TO APPOINT ED HOLOWINKO TO THE CONSERVATION COMMISSION.**

Mr. Krummel stated that he was delighted to see Mr. Holowinko continue to serve on the Conservation Commission.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mayor Knopp stated that Ms. Moore Mathies had been recommended for reappointment to the Historical Commission by the Chairman, also that every member of the Commission voted unanimously in favor of her reappointment.

**** MR. KRUMMEL MOVED TO REAPPOINT DEBORAH MOORE MATHIES TO THE HISTORICAL COMMISSION.**

**** MOTION PASSED NINE (9) VOTES IN FAVOR, ONE VOTE OPPOSED (MR. BONDI) BY VOICE VOTE.**

The Mayor suggested the reappointment of Michael Murray noting his recommendation by the Chairman of the Commission. Mr. Murray is a member of the Norwalk Police Department and has a strong expertise with many youth organizations in Norwalk.

**** MR. BONDI MOVED TO REAPPOINT MICHAEL MURRAY TO THE HUMAN RELATIONS COMMISSION.**

Mr. Krummel said he was delighted to see a member of the Police Department who is willing to give his time to work on such an important commission.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Appointments

Mayor Knopp noted that in terms of new appointments this is from alternate to a full member of the Conservation Commission, Attorney Seeley Hubbard has performed very well.

**** MR. PORUBAN MOVED TO APPOINT D. SEELEY HUBBARD TO THE CONSERVATION COMMISSION.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

For a new appointment to the Historical Commission Mayor Knopp said he was happy to put forth the name of Marvin Suchoff and referring to his resume, he has served in many important public agencies including Planning and Zoning. He currently works for the

Whitney Museum of American Art and in that role he can bring a lot of experience in the operations of a museum to the Historical Commission.

**** MR. KRUMMEL MOVED TO APPOINT MARVIN SUCHOFF TO THE HISTORICAL COMMISSION.**

Mr. Krummel said he was delighted that a person with this background is willing to serve and said he was looking forward to his contributions.

There was discussion about whom Mr. Suchoff was replacing.

Mr. Hempstead commented that he was pleased to noted Mr. Suchoff's appointment, as they had served together on the Zoning Commission.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

As a Mayor's appointment, Mayor Knopp appointed Laurel Lindstrom to serve on SWRPA. He commented that Ms. Lindstrom has been very active in neighborhood activities and has done a tremendous job in generating interest in East Norwalk and community planning and many other issues. The Mayor said he had served on SWRPA for ten years and loved every minute noting that it was a great place to learn about trends and influences.

Mr. Bondi said the Mayor had made a very good choice in Ms. Lindstrom noting the wonderful things she has done in Norwalk.

Mr. Coffey congratulated Ms. Lindstrom; he said SWRPA is a great place and that she will do a great job.

B. REMARKS

Mayor Knopp said in light of the holidays he would forgo any remarks and wished everyone a very happy New Year.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

Mr. Bondi announced that there were no items on the consent calendar this evening. He too wished everyone a happy holiday.

B. OTHER GENERAL COUNCIL BUSINESS

There was none this evening.

VII. COMMON COUNCIL COMMITTEES

A. ORDINANCE COMMITTEE

1. Amend Norwalk Code to add new Chapter regulating “Pocket bikes”.

**** MR. COFFEY MOVED APPROVAL OF THE ITEM.**

Mr. Coffey indicated that a public hearing had been held at which time Chief Rilling had spoken and they had got some comments from the community regarding pocket bikes and how dangerous they can be. Mr. Coffey said he was of the opinion that this change in the ordinance would help to save lives and to protect residents from these un-registered, un-licensed and uninsured vehicles. He added that they are the first municipality in Fairfield County and hoped others would follow. This is another quality of life issue to make Norwalk a safer city. He thanked the Mayor for coming to the public hearing and sharing his comments.

**** MR. COFFEY MOVED TO AMEND THE MOTION BY ADDING TO THE END OF SECTIONS A. AND B. - “PUBLIC STREET, OR PUBLIC SIDEWALK, OR ANY PUBLIC PROPERTY.”**

Mr. Coffey noted that this was included on the transmittal that went through committee but had not been included in the packet tonight.

Mr. Krummel questioned public property, specifically regarding the trails in Cranbury Park.

Mayor Knopp replied that it would include this area and others such as schools or parking lots.

Ms. Bain asked how this would affect Parks and Recreations and their go-cart racing at Calf Pasture Beach.

Mayor Knopp said this would not apply to go-carts.

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MS. BAIN MOVED TO AMEND THE MOTION BY ADDING AND BE FINED NINETY-NINE DOLLARS (UNDER ARTICLE C).**

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Hempstead what the interpretation was for motor scooter that have a chain start and asked if they are classed as scooters.

Chief Rilling said if a motor propels them, regardless of how that motor starts it would be a motor scooter and therefore prohibited.

Mr. McQuaid asked if mopeds would be out.

Chief Rilling replied that mopeds are fine.

Mr. McQuaid commended Mr. Coffey for bringing this issue forth to a public hearing as he had witnessed a number of crazy incidents involving pocket bikes. He hoped that other municipalities would catch onto what Norwalk has done.

Mayor Knopp added that when the mailings for the beach are sent out in the spring additional information regarding the ordinance would be added.

**** MOTION AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE.**

B. PERSONNEL COMMITTEE

1. Approve the Ordinance list change.

**** MR. SUTTON MOVED APPROVAL OF THE ITEM.**

**** MR. BONDI MOVED TO AMEND THE MOTION BY SEPARATING THE LIST INTO TWO SECTIONS - A. & B.**

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MR. SUTTON MOVED APPROVAL OF SECTION A.**

Mr. Sutton stated that this was approved by committee and was recommended to bring before the Common Council. The committee thinks it represents adequate compensation for the professions of the city accessed to manage and operate Norwalk as efficiently and effectively as possible.

Mr. Krummel stated that in all humility he suggested that this was one of the most difficult aspects of public administration. Critics of the government complain about high taxes about the cost of providing public service but to his mind the greatest challenge is to provide effective, efficient public service and here they are dealing with one of the essential components. How to reward people for doing their best and how to discourage people who don't want to be part of the effective move. Again, with great humility Mr. Krummel said he could understand how difficult it is to work with administrators who are

not part of a union and to show them the rewards for those who are willing to put their efforts in discourage those who are not. Mr. Krummel stated that he was not happy with across the board increases as it sends a message that they are not willing to tackle this problem head on. He said they have to work out a way of showing the people that they appreciate the work that they are doing and reward accordingly.

Mr. Bondi noted that he felt similar to that of Mr. Krummel; he said there are people on the ordinance list who deserve more than they were given and there are some people on the list that should not get a raise at all. Because of this, Mr. Bondi indicated that he would be voting no on this section of the ordinance list and unfortunately he felt that some of the people that he believed should get the raise would be affected by his no vote but he hoped they would understand that this is his feeling. In the past this was done on an individual basis, and although it was tough he thought this was the best way to do it.

Mr. McQuaid agreed with Mr. Bondi regarding the way they are handing out these raises. He also noted that the way in which the members had received the reviews in such a sporadic way that this is not the way they should be judging them. He referred to Corporation Counsel saying that they are continuing to receive a very heavy workload and it almost a slap in their faces to get the same thing as someone being asked to step up to the plate for their job. He suggested that it did not make sense for everybody to be getting the same rate and therefore he would be voting no on this item.

Mr. Hempstead stated that he too would be voting no on this item. He said it is time the Personnel Committee make the decision to set a policy, as the reviews are inadequate and underdone; they carry no weight or value. Mr. Hempstead said he had problems voting for this as there are people on there who only met standards and there were people on there who were outstanding and they are all getting the 3.5%.

Mr. Coffey said this Council has a fiduciary responsibility; he said it was important to know that the increase they are looking at is 1.08%. It is their obligation to be the fiscal watchdogs to the residents and taxpayers of the city.

Mr. Miklave respectfully disagreed with all of the comments made this evening because they woefully misunderstand what the appraisals are about. The fact of the matter is the people that serve the city are not in it for the money; every single one of them could make more money working in the private sector doing what they do for they city. They sacrifice their time, their opportunities, council members call them upon and as a group they are well served by the public servants in Norwalk. The rewards in public service are not monetary and they all know that as council members they are not in it for cash. Mr. Miklave also stated that it important to remember that the ordinance list represents the senior executive core, the people that follow the view of the administration and are there to implement the views of the administration. He added that he did not believe that it is appropriate to tie performance appraisals to these cost of living increases. At the end of the day they are talking about a 1.08% increase and do they really believe that a senior executive will alter their behavior if they get 1.5% this year?

Mr. Miklave said that he did wish that they had a better way to reward the performance of the outstanding men and women who work for the city but because they have financial responsibilities and fiscal responsibilities to the taxpayers they can't over-compensate their people. He said he did not believe for a second that the performance appraisals justify any kind of withholding the 1.08%. He also said that having looked at the performance appraisals of the prior administration that were nothing more than check marks for year after year that this performance appraisal plan that was adopted after number a of substantial discussions of the Personnel Committee by trying to tie the performance of the senior executives to the objectives of the administration. He said it is much better now than it was four years ago and it takes a lot to bring everything up to snuff in one second.

Ms. Bain concurred with the comments of Mr. Miklave. She agreed that when you work with such a highly unionized environment that to impact the few directors and leaders of the administration with either rewarding or withholding salary adjustment is not fiscally responsibility in terms of developing an out of line salary compensation. Also, the evaluations are not necessarily tied to the compensation. The Personnel Committee developed methods by which objectives could be identified at the beginning of the year and therefore could be aligned to the objectives of the administration so that when evaluations were done there was an agreement as to what those evaluations would be based upon. The evaluations are a work in a progress but they are improving and becoming an effective management tool.

Mr. Hempstead noted for clarification that this is not about a difference in wage increases he said that they need to get a pulse on whether they are going to do a review process or not. The current process is mumbo-jumbo and defeats the purpose of creating some kind of differential in the salary increases.

Mr. Miklave responded by saying that he did not believe that the majority of civil servants on the ordinance list are motivated one way or another by money. He said they look for more from civil servants because the rewards in public service are greater than monetary rewards. He said that they could never match the rewards of those in the private sector so if they are talking about trying to compete with the salaries in the private sector then they would have to double or triple the salaries of those in the public sector. He disagreed that a performance appraisal is tied to monetary compensation; the two are separate. At the end of the day they do have a good performance appraisal system that takes time to implement, that this council adopted several years ago and it is better today than it ever way before.

Mayor Knopp thanked the Personnel Committee for developing the performance appraisal system, as it is a huge improvement. It does tie the evaluation of personnel to the performance of city goals and it will get better because in the coming fiscal year they are adopting a performance measurement for every department in the city. In the future they will be able to link the performance measurement goals of the evaluation with the performance measurement goals of the budget. He said the idea of separating the performance measurement and goal setting from the salaries was right as it allows one to

focus on the goals. One of the problems is these people are the only non-unionized employees of the city and therefore a situations can arise where a supervised, unionized employee can bypass the salary of the non-unionized, supervisory positions. In the absence of an agreement to evaluate all employees there is a huge disparity to evaluating some.

Mayor Knopp said that it is characteristic of Connecticut employment law that unionized employees in municipalities are employed for life as it is almost impossible to find just case for dismissal; employment security is a stimulus to greater performance. The people they are discussing tonight have at most a two-year position and is up to the Mayor whether or not to re-hire them every two years and therefore the decision to continue with them or not is tied to the evaluation process. With that being said, the Mayor the people on the ordinance list are receiving a cost of living increase to keep them on par with the unionized employees that they generally supervise.

Finally, with regard to treating employees who are more or less in the same boat with in terms of issues such as overtime and who they supervise etc; these people do a lot of extra work, appearing at meetings and public hearings etc – they should be treated like serious professionals. He acknowledged that he was late in getting some the evaluations complete and apologized to the Personnel Committee members.

Mr. Hempstead said that the ordinance list before them tonight was tied to reviews; he referred to the statement of the Mayor being responsible to reappoint employees. He said the Council should get out of the business of doing reviews; his point was that it needs to be one or the other.

Mr. Miklave stated when the Personnel Committee looked at this process they took about a year to go through creating a tool for the administration to use. It was designed to include the following: to clearly communicate the views of the administration to the senior staff in a way they could respond; to be able to set up a system where the employee can look back and see the standards. He said they were also very deliberate to create a six-month appraisal process, not a formalized process – it was not designed as a tool to beat employees into submission.

Ms. Bain said another aspect that they talked about that the value for the city is to ensure that it is being done in the manner that it was intended and also to give an opportunity for the committees members and chairs to help in making suggestions regarding goals and objectives.

Mr. Hempstead agreed that people do have an interaction on different levels with department heads so they should have input. He said he was going to abstain on this because he said what needs to be spelled out is a strict policy for the Council to adopt on how the evaluation process should be operated. Mr. Hempstead stated that it is clear in the Charter what their responsibilities are but it is not clear what they are going to do with the evaluation process and until that is clarified there are still some issues.

Mr. Bondi said there had been a discussion about chair people having input on some of the evaluations and then the recommendation would be presented to the Mayor; he said that maybe something they should do next year.

**** MOTION PASSED SIX (6) VOTES IN FAVOR (MR. HILLIARD, MR. PORUBAN, MR. COFFEY, MR. SUTTON, MS. BAIN, MR. MIKLAVE), THREE (3) VOTES OPPOSED (MR. MCQUAID, MR. BONDI, MR. KRUMMEL) AND ONE (1) ABSTENTION (MR. HEMPSTEAD) BY VOICE VOTE.**

1. Approve the Ordinance list change.

**** MR. SUTTON MOVED APPROVAL OF SECTION B.**

Mr. Bondi recused himself and exited the Council Chambers.

**** MR. HEMPSTEAD MOVED TO AMEND THE MOTION BY ADDING THAT THE MAYOR'S SALARY SHOULD BE AT LEAST 1% HIGHER THAN THE HIGHEST PAID PERSON ON THE ORDINANCE LIST.**

Mr. Hempstead said the person leading the city should be earning more than those he leads.

Mr. McQuaid stated that he agreed with Mr. Hempstead's amendment and had said so in the past. He added that the leader of the team should be paid the highest.

Mr. Miklave said this is nice in principle but does not reflect reality and added that this Mayor has turned down every increase since he has been in office. He said it would be appropriate to put this into a formula that makes more sense so it would not be subject to political comments.

Mr. Hilliard agreed with Mr. Hempstead saying that in a town such as this if the leader is making less money the perception of respect might not be present.

Ms. Bain suggested that this should be done after an analysis but at this time she would not be supporting the amendment.

Mr. McQuaid indicated that this item had been discussed during previous council and reiterated that Chief Officer should be the most highly paid.

**** THE AMENDMENT FAILED THREE (3) VOTES IN FAVOR (MR. HEMPSTEAD, MR. MCQUAID, MR. HILLIARD), SIX (6) VOTES OPPOSED (MR. PORUBAN, MR. COFFEY, MR. SUTTON, MS. BAIN, MR. MIKLAVE, MR. KRUMMEL) BY SHOW OF HANDS.**

**** MAIN MOTION PASSED SEVEN (7) VOTES IN FAVOR (MR. PORUBAN, MR. COFFEY, MR. SUTTON, MS. BAIN, MR. MIKLAVE, MR. KRUMMEL, MR.**

HILLIARD) AND TWO (2) ABSTENTIONS (MR. MCQUAID, MR. HEMPSTEAD) BY VOICE VOTE.

Mr. Bondi re-joined the meeting.

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none this evening.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

X. SUSPENSION OF THE RULES

There were none this evening.

XI. ADJOURNMENT

** MR. COFFEY MOVED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting was adjourned at 9:30 pm.

ATTEST: _____
Pam Stark, City Clerk