

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 8:00 p.m. and led the assembly in the Pledge of Allegiance.

Following the pledge the Mayor asked for a moment of silence to pay respect to those who lost their lives on 9-11 not only in Norwalk and the state of Connecticut but in the country, along with those military personnel who recently lost their lives in Afghanistan. He asked to keep in our hearts all the members of the military service for the loss of lives and extended a message of continued support for the service of our troops.

I. ROLL CALL

City Clerk Halsey called the roll. The following Council Members were present:

Council at Large:	Mr. Douglas Hempstead	Mr. Fred Bondi
Richard McQuaid	Mr. John Tobin	Ms. Joanne Romano
District A:	Mr. Richard Bonenfant	Mr. David Jaegar
District B:	Mr. Carvin Hilliard	Mr. Travis Simms
District C:	Ms. Laurel Lindstrom	Mr. Nicholas Kydes
District D:		Ms. Kelly Straniti
District E:	Mr. Andrew Conroy	Ms. Nora King

Mayor Richard A. Moccia; Attorney Robert Maslan, Corporation Counsel;
Erin Halsey, City Clerk

Fourteen members were present; one member was absent (Mount)

II. ACCEPTANCE OF MINUTES

Regular meeting – August 9, 2011

**** MR. KEYDES MOTIONED TO APPROVE THE MINUTES FROM THE AUGUST 9, 2011 MEETING AS SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Mayor Moccia asked those in attendance who signed up to speak to state their name, address and to limit comments to three minutes in length on agenda items only.

1. Sgt. Thomas Roncinske, 1 Monroe Street, Norwalk introduced himself as President of the Police Union and stated that the contract was voted 116-16 by rank-and-file members of the union. He added that we understand the difficult times facing the taxpayers of Norwalk, and we share that burden, and there are several elements that we need to address. He stated that he is confident that the union and the city can move forward on those issues.

2. Richard N. Fuller Jr., 6 Ingalls Avenue thanked the Council for the proposal to amend Academy Way to Richard Fuller Way and he thanked the City for the outpouring of care, compassion during the funeral and memorials. He stated that the support from City officials was so appreciated, and he especially thanked the Police Department for their handling of traffic during the funeral, and the attendance by hundreds of residents was an amazing tribute to his father. He thanked Mayor Moccia along with the family and friends of Richard Fuller, Sr. and said we would just like to thank the Council for the proposal coming forward tonight, as the love and emotion that we saw from the city helped us get through it.

3. Officer James Yturbe, 1 Monroe Street, stated that he is not opposed to the contract with the City and the Police Union, and he hopes they can come to an agreement with the Drop Plan. He supports the Drop Plan and hopes all can come to a resolution.

Mayor Moccia asked if there was anyone else who wished to speak on an agenda item, and hearing none, stated the public participation of the meeting was closed at 8:10 p.m.

MAYOR:

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: Andrew Mattiello, Human Relations Commission
Elizabeth Merced-Surapine, Human Relations Commission

Mayor Moccia stated that Mr. Mattiello has relocated due to his acceptance of a job out of Norwalk, and he thanked the above members for their service to the Human Relations Commission and added that their resignations were accepted and his recommendations for replacements would soon follow.

COMMENTS:

Mayor Moccia gave a statement of thanks to the City officials and Council members who attended and participated in the 9-11 commemoration and noted that the sculpture at St. Paul's Church is a wonderful addition to the reflection area.

Mayor thanked the City Departments for their outstanding effort during Tropical Storm Irene, in particular Michele DeLuca, Emergency Operations Director, Fire Chief McCarthy, Police Chief Rilling, Hal Alvord, Director of Public Works, Tim Callahan, Director of the Health Department, and Karen Del Vecchio, IT Director, and Customer Service for their tireless efforts with the immediate response to the storm.

He added that the first responders, Red Cross, and volunteers manning the Emergency Operations at Brien McMahon were very effective with the handling of over 150 residents and that the practice drills held previously really paid off with logistics training. He stated that even CL&P provided improved service that helped the City fair better than other towns with most residents having power back on by mid-week following the worst of the storm.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

Remarks:

Mr. McQuaid echoed the comments made by the Mayor and thanked those involved for their outstanding efforts during Tropical Storm Irene, in particular Michele DeLuca, who was amazingly effective with all the management of logistics, particularly with relocating Customer Service to be at the same location with the First Responders. He added that she even handled things like making arrangements for residents with pets, and providing refreshments for the volunteers, and that it was just amazing to see her in action. He stated that the City is very fortunate to have such a dedicated individual handling these operations.

B. CONSENT CALENDAR:

** **MR. MCQUAID MOTIONED THE FOLLOWING ITEMS FOR THE CONSENT CALENDAR:
VII.A.1, A.2, A.3, A.4, A.5, A.6; VII.B.1, B.2, B.3, B.4; VII.C.1, C.2, C.3, C.4, C.6, C.7, C.8, C.9, C.10, C.11, C.12a,12b, D.1 for Executive Session, D.2. TABLED; E.1a,1b, E.2; F.1a.1b. TABLED.**
** **THE MOTION PASSED UNANIMOUSLY.**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS: NONE

Note: The following items on consent are listed in bold type:

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

- 1. Accept and Approve the Report of the Claims Committee dated: August 11, 2011 and September 8, 2011.**
- 2. For informational purposes only: Monthly Tax Collector's Report dated: July 31, 2011 and August 31, 2011.**
- 3. For informational purposes only: Narrative on Tax Collections - September 8, 2011.**

CONSENT CALENDAR - continued

- 4. Authorize the Mayor, Richard A. Moccia to sign an amendment to the contract with NewVisions Systems Corporation to upgrade and renew the existing lease agreement for the NewVisions Official Record System for an additional 5 years beginning October 1, 2013 for an amount not to exceed \$3,898 a month. (Account 010500-5255).**
- 5. Authorize the Mayor, Richard A. Moccia to execute all grant documents on the City's behalf for the \$125,000 Special Act Grant for the Maritime Center at Norwalk Building Improvements Special Act 05-1, June Special Session, Section 13(j)(2) from the State of Connecticut Department of Economic and Community Development.**
- 6. Authorize the Purchasing Agent to issue purchase orders in accordance with City Procurement Guidelines for personal computer workstations, laptops, printers and public safety mobile data terminals according to City IT Department specifications for an amount not to exceed \$126,274.16, account 09120600-5777-C0375. (Budgeted IT capital project, no special appropriation required).**

B. PLANNING COMMITTEE

- 1. Authorize the submission of the transit-oriented development facilitation grant for the South Norwalk Railroad Station Neighborhood in accordance with the TOD Pilot Program request for applications;**
- 2. Authorize the City of Norwalk to enter into and, if necessary, to amend a Memorandum of Understanding (MOU) with the South West Regional Planning Agency, or any successor organization which incorporates the requirements outlines in the transit-oriented development pilot program request for applications, as well as identifies any other specific responsibilities that the City chooses to delegate to the regional planning organization in administering the grant, if awarded to by the parties; and**
- 3. Authorizes the individual serving as Mayor, of their successor(s), to sign the grant application, to negotiate the terms and condition of the MOU, to sign the MOU on behalf of the City of Norwalk, and to sign any other documents associated with administering the grant, if awarded, including any amendments thereto. Such a grant application is attached to and made a part of this record.**
- 4. Authorize the full execution of the certified resolution.**

CONSENT CALENDAR – continued

C. PUBLIC WORKS COMMITTEE

1. Authorize the Purchasing Agent to issue Purchase Orders to International Salt Company, LLC for Road Salt for Snow and Ice Control, pricing not to exceed \$66.95 per ton for normal delivery and \$69.95 per ton for after-hour delivery effective for the 2011-2012 winter season. Account No.0140 25 5322.
2. Authorize the Purchasing Agent to issue Purchase Orders to International Salt Company, LLC for Treated Road Salt for Snow and Ice Control, pricing not to exceed \$82.95 per ton for normal and after-hour delivery effective for the 2011-2012 winter season. Account No.0140 25 5322.
3. Authorize the Purchasing Agent to issue Purchase Orders to Innovative Surface Solutions for liquid brine, pricing not to exceed \$1.14 per gallon for normal and after-hour delivery effective for the 2011-2012 winter season. Account No. 0140 25 5322.
4. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to the Agreement with Stantec Consulting for pavement engineering and consulting services in connection with the Pavement Management Program. The Amendment to establish a three year base period, with two (2) one-year options and an annual not to exceed amount of \$250,000.00 per year. Account No. 0911 4021 5777 C0021.
5. Authorize the Purchasing Agent to issue a purchase order to J. Pyott and Associates for the purchase of a 2011 Drag-A-Box Material Spreader/IG 7-12 for a sum not to exceed \$14,340.29. Account No.0911/12 4031 5777 C0313.
7. Authorize the Purchasing Agent to issue a purchase order to Kut Kwick Corporation for the purchase of a 2011 Kut Kwick – Super Slope Master, Model SSM38.72D, for a sum not to exceed \$55,212.00. Account No.0911/12 4031 5777 C0313.
8. Authorize the Purchasing Agent to issue a purchase order to Bobcat of Connecticut, Inc. for Project # 3087, the purchase of a 2011 Bobcat E42 Compact Excavator, for a sum not to exceed \$46,234.88. Account No.0911/12 4031 5777 C0313.
9. Authorize the Purchasing Agent to issue a purchase order to W. H. Rose for Project #3086, the purchase of a 2011 SWENSDA Model STCC Tailgate Conveyor System, for a sum not to exceed \$14,862.00. Account No.0911/124031 5777 C0313.
10. Authorize the Purchasing Agent to issue a purchase order to Mag & Son Clothing LLC for Project #3076, the Supply of Uniforms (Work Apparel), for annual sums not to exceed \$16,466.10 for FY 2011-2012, \$16,466.10 for FY2012-2013, and \$16,889.60 for FY 2013-2014. Account No. 014021 5276.

CONSENT CALENDAR – continued

11. **RESOLVED that Richard A. Moccia, Mayor, be, and hereby is, authorized to sign the agreement entitled: “Agreement between the State of Connecticut and the City of Norwalk for the Construction, inspection, and Maintenance of Phase Two – Traffic Signal Controllers and System Upgrade at Eight Intersections within the City of Norwalk Utilizing Federal Funds under the Congestion Mitigation and Air Quality Improvement Program (CMAQ).”**
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NORWALK, CONNECTICUT, THIS 13th DAY OF SEPTEMBER, 2011.

12a. **Authorize the transfer of ownership rights to and maintenance responsibilities for the recently constructed bridge carrying the Metro North Danbury line over North Water Street / Reed Street Extension at Danbury Branch Milepoint 0.36, which was constructed as part of Project No. BR 2007-2, Reed Street Railroad Bridge and Reed Street Extension.**

12b. **Authorize the Mayor, Richard A. Moccia, to execute any and all documents in connection with such transfer of ownership rights to and maintenance responsibilities for the Bridge.**

D. PERSONNEL COMMITTEE

1. **Approval of Tentative Agreement between City of Norwalk and Police Union Local 1727 ON CONSENT FOR EXECUTIVE SESSION**
2. **Authorize the Mayor to execute agreement with the University of Bridgeport for the “Incentives for Lifelong Learning Program.”**
CONSENT TO TABLE BACK TO COMMITTEE

E. LAND USE COMMITTEE

- 1a. **Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Main Enterprises, Inc. for the installation of heating system in the proposed apparatus bay of the Fire Services Building at 100 Fairfield Avenue for a total not to exceed \$55,281.00. Acct. #0910/113110-5777-C0466.**
- 1b. **Authorize the Office of Building Management to issue Change Orders on Contract for a total not to exceed \$5,528.00.**
2. **Authorize the Purchasing Agent to issue a Purchase Order to Northeastern Communications, Inc. (as the sole source vendor) for the installation of a new Fire Station Alerting System (FSA) and radio monitor system at 100 Fairfield Avenue, necessary for the relocation of the fire station from Volk Fire Headquarters. The cost for the system shall be for a total not to exceed \$21,255.00. Acct #0911/10-3110-5777-C0466.**

F. RECREATION AND PARKS COMMITTEE

CONSENT TO TABLE BACK TO COMMITTEE

- 1a. Authorize the Mayor, Richard A. Moccia to execute a contract with Larosa Building Group LLC in the amount not to exceed \$1,423,000 for OYSTER SHELL PARK SITE IMPROVEMENTS PHASE I. (No capital budget funds).**

CONSENT TO TABLE BACK TO COMMITTEE

- 1b. Authorize the Executive Director of the Norwalk Redevelopment Agency to issue change orders on the contract in an amount not to exceed \$213,450.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

A resolution to install a memorial street name sign on Academy Street in the name of Richard N. Fuller, Sr. (long-time Norwalk educator and civic leader, now deceased) was read by City Clerk Halsey, as follows:

A RESOLUTION OF THE NORWALK COMMON COUNCIL

August 18, 2011

Whereas, Richard N. Fuller, Sr. was born on April 17, 1944 in Harlem, New York, was raised in Norwalk as the eldest of nine children, where he resided for over 40 years with his wife Carolyn and their 2 beloved children, Richard, Jr. and the late Bryan Fuller; and

Whereas, Richard N. Fuller, Sr. earned a bachelor's, master's and 6th year degree from Fairfield University after being awarded a full scholarship after one year at Virginia Union University, and upon graduation, joined the United States Air Force and served in the Philippines during the Vietnam war; and

Whereas, Richard N. Fuller, Sr. the longtime civic leader, teacher of Civics at Brien McMahon High School, served as a guidance counselor at the annex, coaching freshman football and baseball, also serving as a teacher-at-large at Central High School in Bridgeport, as well as being a member of the Board of Education for more than two decades, and served as Chairman of the District A Democratic Committee; and

Whereas, Richard N. Fuller, Sr. served as the Executive Director of The George Washington Carver Community Center for over 25 years, where during his tenure he managed the introduction of many programs that provided job training, sports, after-school programming and day care, becoming a friend and mentor for an entire community; and

Whereas, Richard N. Fuller, Sr. was a true advocate for children who faced many challenges in the community on a daily basis, dealing with youth violence and decreased academic achievement; and was honored in 2010 with a "Lifetime Humanitarian Award" by his friends, colleagues and family, while leaving a legacy of passion, commitment and respect for the citizens of Norwalk,

Now Therefore be it Resolved by The Common Council of the City of Norwalk that Academy Street in the City of Norwalk shall also be known as "Richard N. Fuller, Sr. Way" in honor of his memory.

Signed this 13th day of September, 2011 _____ Richard A. Moccia, Mayor

Mr. Hilliard thanked Mayor Moccia for the recognition and honor awarded to Mr. Fuller and stated that he was a close friend and a good man. He stated that Rick always shared advice and had helped him in the areas of representing the City adding that he had the brains to have made a lot more money in a career in business had he chosen to take that path, but he preferred to work with children in school, or on the sports field or at the Carver Center.

Mr. McQuaid stated that he was truly the “Father of Norwalk” and that he was truly a good servant who gave a footprint of service to the City. He added that Richard just had a love for people in his heart, always, though especially for children, and that he taught us to remember to love one another, teach each other and help each other.

Ms. Romano stated said she knew Rick Fuller as a compassionate, caring man who did so much for the young people of Norwalk. His treated our children as his children and it was a wonderful experience to have known him.

Mr. Hempstead thanked the Fuller family for sharing him with the City and for the endless time devoted to programs with schools, city programs and education of the youth.

Mr. Bonenfant stated that he worked with Mr. Fuller on the Human Relations committee and that he always made him feel welcomed, and he thanked the family for their support of this special humanitarian.

Mr. Tobin stated the he met Mr. Fuller during his first election and that he was warm and extended his welcome and advice on the City of Norwalk and was always a gentleman.

Mr. Kydes shared that he had known Mr. Fuller back in Junior High School when he played football and that he knew him through his coaching with Mr. Vaughn. He added that he was a man of compassion with a passion to the community that has was truly unique. He thanked the family for sharing his life and his years of service with the City and he will be remembered for all the great things he did and he paved the way for betterment for the youth of Norwalk.

Mr. Bondi stated that he lost a good friend of over forty years as he refereed together in the Basketball League along with his years of coaching and working with the youth of Norwalk. He added that he will be missed.

Mr. Conroy stated that he knew Mr. Fuller briefly but will always remember him for his service on the Board of Education and he had a tremendous respect for him for his military background and for being always a gentleman.

Mr. Jaeger stated that Mr. Fuller was a great help to him in local issues, and it was astonishing to see the time and effort he devoted to the City. He stated that he was so impressed with the show of family support here tonight, and that the attendance at the funeral and memorial services were over 700, which is a tremendous tribute to this individual and the legacy that he has left in Norwalk.

Mr. King stated that she will remember him as an advocate for children and he left an amazing gift of service to the City.

Travis Simms said it is a great honor to speak about Richard Fuller who was truly a great man for the City, and he had a great impact on his life personally. He added that he was widely known for his compassion, but many didn't know how intelligent he was. He added that he always showed acceptance of youth regardless of where you came from and it didn't matter whether it was South Norwalk, West Norwalk or East Norwalk, he treated you like you were one of his own whether on the sports field or at the Carver Center. He congratulated the family on his well deserved honor and wished the very best for Fuller family.

Ms. Lindstrom added that she has always heard only good things about Mr. Fuller and this is a well deserved honor.

Ms. Straniti stated that Mr. Fuller's legacy will be remembered and he will be missed. She congratulated the family on this well deserved honor and wished the very best for Fuller family.

Mayor Moccia and Mr. Hilliard presented Mrs. Carolyn Fuller, with the resolution.

**** MR. HEMPSTEAD MOTIONED TO APPROVE THE RESOLUTION BY THE COMMON COUNCIL TO INSTALL A MEMORIAL STREET NAME SIGN ON ACADEMY STREET IN THE NAME OF RICHARD N. FULLER, SR.
** THE MOTION PASSED UNANIMOUSLY.**

**** MR. HEMPSTEAD MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF TENTATIVE AGREEMENT BETWEEN CITY OF NORWALK AND POLICE UNION LOCAL 1727
** THE MOTION PASSED UNANIMOUSLY.**

The Council entered into Executive Session at 8:50 p.m. and was reconvened back into public session at 9:01 p.m. and Mayor Moccia stated that there was no action taken.

**** MS. ROMANO MOTIONED TO APPROVE THE TENTATIVE AGREEMENT BETWEEN THE CITY OF NORWALK AND POLICE UNION LOCAL 1727.**

Mayor Moccia called for a roll call vote.

**** THE MOTION PASSED UNANIMOUSLY.**

Mayor Moccia thanked Mr. Hasselkamp, Mr. Hamilton and Chief Rilling for their hard work with the negotiations in this contract process.

Mayor Moccia stated that the meeting would resume back to the order of the agenda.

B. PLANNING COMMITTEE

5. The Agency, operating as the City's CDBG Administrator, seeks approval of a proposed amendment to the City's Annual Action Plans for CDBG Program Years 35, 36 and 37.

Mr. Hempstead explained that ½ million dollars has been allocated for the program, and there no questions from the Council members.

**** MR. HEMPSTEAD MOVED TO AUTHORIZE THE REDEVELOPMENT AGENCY, OPERATING AS THE CITY'S CDBG ADMINISTRATOR, FOR APPROVAL OF A PROPOSED AMENDMENT TO THE CITY'S ANNUAL ACTION PLANS FOR CDBG PROGRAM YEARS 35, 36 AND 37.**

**** THE MOTION PASSED UNANIMOUSLY.**

C. DEPARTMENT OF PUBLIC WORKS

5. Authorize the Mayor, Richard A. Moccia, to execute Agreement No. 5.09-01(11) with the State of Connecticut, Department of Transportation, for Rights of Way Activities in Conjunction With the Replacement of Bridge No. 04989 on James Street Over the Silvermine River Utilizing Federal and Municipal Funds. State Project No 102-320 and Federal Project No. 6102-013.

Mr. Conroy asked Mr. Alvord to come forward to address questions, and he gave an overview of the need to move the bridge rails 5-6 feet to meet with federal requirements. He explained that modifications to replace the walls of the bridge were last done over 65 years ago, and that there is no intention to change existing abutments on or along the walls and that the easement is merely for highway purposes. He added that the exact location of the rails and walls will be evident as the program progresses as done by the state, but that these repairs are absolutely necessary to maintain the accessibility of the bridge.

Ms. Straniti stated that while she is in support of repairs that are much needed on the bridge, she is concerned with the need to acquire the property questioned why existing easement is not sufficient.. Mr. Alvord replied that no acquisition is required just a modification to the easement boundary to widen the sidewalk on either side. Ms. Straniti replied why the DOT requires right of way for easements due to highway requirements and asked if the state would compensate the City for any modifications.

Mr. Alvord stated that residents were informed by attending a public hearing and three out of the four residents have been notified informed of the action. He added that since then property owners have changed and one has been unable to be reached, with an unlisted number, and despite notifications via letter delivered by FEDEX package. He stated that they have further attempted contact by knocking on the door and have yet to have a response. Ms. Straniti replied that FEDEX delivery can be confirmed via internet tracking of the receipt number; and she asked how the others were notified, and Mr. Alvord replied that certified mail was used.

Ms. Straniti stated that she would like to see the timeline of documents as there is a difference between what was approved in Committee compared to the item brought forward, and it needs to be revised before entering into public record.

Ms. King stated that the process is flawed as the supporting documents do not match with the action required, and she stated that the back-up materials need to be clarified and modified; therefore the item until proper certification is done and documented the item should not be approved.

Ms. Straniti asked for the difference between the easement modifications to the right-of-way. Mr. Hempstead asked Corporation Counsel if this was a case of eminent domain. Attorney Maslan replied that this was not an exercise in Eminent Domain and that this was the result of a negotiation to modify the easement, which was a long process. Mr. Tobin stated that he was concerned that there was no agreement with the document as listed and that we have an obligation to not proceed until we see that.

Ms. Straniti asked a follow up question of Corporation Counsel that the right of way does not include eminent domain if the state takes the right of way, and Attorney Maslan replied there is no standard and in this case it is a highway right of way for the guard rails. Mayor Moccia asked what is the most land that could be taken from a home owner, and Mr. Alvord replied the guard rail area or 1 foot up to 18 inches for the easement.

Mr. Hempstead suggested that a provision be included in the motion that in the meantime, notification to the homeowners be done by way of City Sheriff or Marshall with return of service as proof of notification. Ms. Straniti asked that it be noted for the record that this was a right of way issue and not an easement modification.

**** MS. STRANITI MOTIONED TO HAVE THE ITEM TABLED BACK TO COMMITTEE FOR MODIFICATION OF THE SUPPORTING DOCUMENTS TO BE IN AGREEMENT WITH THE WORDING OF THE ACTION REQUESTED, WITH THE PROVISION THAT NOTIFICATION TO THE HOMEOWNERS BE DONE VIA NOTICE BY CITY SHERIFF OR MARSHALL.**

**** THE MOTION PASSED WITH THIRTEEN VOTES IN FAVOR AND ONE OPPOSED (BONDI).**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES- none

XI. ADJOURNMENT

**** MR. KYDES MOTIONED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:24 p.m.

Respectfully submitted,
Marilyn Knox, Telesco Secretarial Services