

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

Mayor Moccia called the meeting to order at 8:00 pm. After the Pledge of Allegiance, he asked that everyone remain standing for a moment of silence to remember Council Member, David Watts' grandmother, who has passed away recently.

I. ROLL CALL:

Ms. Halsey called the Roll. The following Council Members were present:

Council at Large:	Fred Bondi Warren Peña	Anna Duleep Joanne Romano	Douglas Hempstead
District A:	Matthew Miklave	David Watts	
District B:	Michael Geake	Carvin Hilliard	
District C:	Michelle Maggio	Nick Kydes	
District D:	Bruce Kimmel	Jerry Petrini	
District E:	John Igneri	David McCarthy	

There were fifteen (15) Council Members present.

II. ACCEPTANCE OF MINUTES

Regular Meeting:

December 13, 2011

**** MR. BONDI MOVED THE MINUTES OF DECEMBER 13, 2011**

The following changes were noted:

Page 1, under **ATTENDANCE**, please change the following from:

Council at Large:	Fred Bondi Warren Peña	Anna Duleep Joanne Romano	Douglas Hempstead
District A:	Matthew Miklave	David Watts	
District B:	Michael Geake	Carvin Hilliard	
District C:	Michelle Maggio		
District D:	Bruce Kimmel	Jerry Petrini	
District E:	John Igneri	David McCarthy	

There were fourteen (14) Council Members present and one (1) absent (Mr. Kydes)

TO:

Council at Large:	Fred Bondi	Anna Duleep	Douglas Hempstead
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Warren Peña Joanne Romano

District A:	Matthew Miklave	David Watts
District B:	Michael Geake	Carvin Hilliard
District C:	Michelle Maggio	Nick Kydes
District D:	Bruce Kimmel	Jerry Petrini
District E:	John Igneri	David McCarthy

There were fifteen (15) Council Members present.

Page 4, please replace the following record of the vote on the motion:

**** MOTION PASSED WITH TWELVE (12) IN FAVOR (MR. HILLIARD; MR. HEMPSTEAD; MR. BONDI; MS. ROMANO; MR. WATTS; MR. GEAKE; MR. KYDES; MS. MAGGIO; MR. KIMMEL; MR. PETRINI; MR. IGNERI; AND MR. MCCARTHY) AND THREE (3) IN OPPOSITION (MR. DULEEP; MR. PENS AND MR. MIKLAVE).**

WITH:

**** MOTION PASSED WITH TWELVE (12) IN FAVOR (MR. HILLIARD; MR. HEMPSTEAD; MR. BONDI; MS. ROMANO; MR. WATTS; MR. GEAKE; MR. KYDES; MS. MAGGIO; MR. KIMMEL; MR. PETRINI; MR. IGNERI; AND MR. MCCARTHY) AND THREE (3) IN OPPOSITION (MS. DULEEP; MR. PEÑA AND MR. MIKLAVE).**

Page 5, please replace the following motion:

•• MR. KIMMEL MOVED THAT THE COMMON COUNCIL SHALL MAKE NO APPOINTMENTS AT THE FIRST MEETING FOLLOWING THE MUNICIPAL ELECTIONS.

WITH:

•• MR. KIMMEL MOVED THAT THE COMMON COUNCIL SHALL MAKE NO APPOINTMENTS AT THE FIRST MEETING FOLLOWING THE MUNICIPAL ELECTIONS. THIS PROVISION DOES NOT APPLY TO THE CORPORATION COUNSEL, THE CITY CLERK AND THE ASSISTANT CITY CLERK.

Page 5, following paragraph 6, please add the following paragraph:

“Mr. Miklave indicated that he would support Mr. Anderson.”

**** THE MOTION TO APPROVE THE MINUTES OF DECEMBER 13, 2011 AS CORRECTED PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Ms. Ganga Duleep came forward and said that she was present as part of the silent majority of those who are not members of the Democratic or Republican parties. She said that her blood pressure was affected when

she read that a group of religious institutions got together to endorse the candidates for Assistant City Clerk. Ms. Duleep then asked the Council if they were violating the separation of church and state with this action. Mayor Moccia replied that in the past churches have joined together to support a candidate, but that the Council maintains the separation of church and state. However, he pointed out that the groups have a right to express their endorsement of any candidate they wish to.

Ms. Francesca Capodilpo came forward and read a letter from the Reverend Nicholas Lang, the rector of St. Paul's on the Green into the record:

Dear Members of the Common Council:

It was with great displeasure and concern that I read of the endorsement of a candidate for the Position of assistant city clerk by religious institutions in the city of Norwalk. As a member of the Clergy for thirty-nine years and pastor of St. Paul's on the Green since 1993, I urge the Council to be aware of the inappropriateness of an endorsement by any religious body and the possible implications it presents in terms of the separation of church and state.

I further urge the council to consider well the abilities and skills that Mr. Erik Anderson would bring to this position. He has demonstrated his ability to work well with others and has served the Norwalk community in many ways, not the least of which has been his work to organize an anti-bullying campaign and vigil to address this important issue in our schools and other institutions.

Finally, it was Mr. Anderson who won the caucus vote for the position of city clerk so I have to question what may be an underlying reason for Mr. Hilliard's nomination of a member of his church as opposed to offering his support to Mr. Anderson. I am deeply disappointed in the behavior of some of my fellow democrats on this council and would respectfully ask them to honor the vote of their caucus.

Sincerely,
(The Reverend) Nicholas G. Lang, Ph.D
Rector
St. Paul's on the Green

Mr. Stuart Wells, the Democratic Registrar of Voters and Ms. Karen Lyons, the Republican Registrar of Voters came forward and said that the State had redistricted the City for State elections. Mr. Wells said that this has caused a need to relocate the polling places. He said that there was an updated map that would be available. This would also reduce the number of polling places, which would save some money. This needs to be assigned to a Committee for discussion and approval. Mr. Wells respectfully requested that the Council refer this matter to committee for discussion.

Ms. Lyons explained that the redistricting was completed by the State by November 30th and notifications to voters are to be out by March 30th. There will be a public session on January 23rd at 8 p.m. and there will be a request for a vote of approval be taken on January 24th.

Copies of the updated map were distributed to the Council Members.

Mr. David Westmoreland, came forward and said that he fully supported the re-appointments of Eric

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JANUARY 10, 2012
8:00 P.M. EST. COUNCIL CHAMBERS**

Chandler and Charlie Yost to the Historic Commission, along with appointment of Clyde Mount to the Oak Hills Park Authority. He also stated that he supported Eric Anderson for Assistant City Clerk.

Mr. Peter Bondi came forward to speak in favor of Mr. Chandler and Mr. Yost's reappointment along with stating his support of Clyde Mount for the Oak Hills Park Authority.

Mr. Edward Prescott came forward and said that he was in favor of Mr. Eric Anderson He then related how he knew Mr. Anderson and that Mr. Anderson had all the skills to fill the position.

Ms. Karen Brown came forward and said that she was concerned about the construction project near the train station on Rowayton Avenue. This project will remove antique stone walls, generate more traffic and cause problems for the neighborhood. She said that she was concerned that this was not a good use of State funding.

Ms. Tammy Langolis came forward and said that she was present to represent the 6th Taxing District about the Rowayton railroad bridge project. She requested that the City minimize the impact of the project on the neighborhood. The railroad station area is screened by old growth trees and they would be removed. While the new trees would be planted it would be some time before the station was screened. She pointed out that Route 1 in Darien only has a 10 ft. 9 in. clearance. She added that all the City vehicles with the exception of the hook and ladder can fit under the Rowayton bridge as it currently is.

Mr. Robert Burgess came forward to address the Council. He said that he was in support of Tammy K. Grimes-McPherson for the position of Assistant City Clerk. He said that he must disagree with the Democratic Council Members on the nomination of Mr. Anderson.

Mayor Moccia asked if there was anyone else present that wished to address the Council.

Ms. Lisa Jewett came forward to speak about the Rowayton Railroad Bridge project. She said having to go through another construction project for the road widening which would take 14 months. She urged the Council to think about this carefully.

Mr. John Congetta, of Vanderbilt Avenue came forward and said that his concern centered on the continuing walkway from Crockett Street to the railroad station. Some parts of the walkway have disappeared while the number of passengers walking south has increased. He suggested that the DPW take advantage of the survey team to determine the proper location of the road boundaries and determine whether the walkway is needed.

Mayor Moccia asked if there was anyone else present that wished to address the Council. Hearing none, the Mayor closed the Public Participation portion of the meeting.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

Michael Harden, Shellfish Commission
Mohan Tracy, Library Board of Trustees
Adam J. Blank, Zoning Commission (Alternate)
John D. Callahan, Harbor Management Commission

The Mayor thanked Mr. Harden, Ms. Tracy and Mr. Callahan for all their hard work during the time that they served on City Commissions and Boards.

APPOINTMENTS:

Diana Paladino, Library Board of Trustees

**** MS. ROMANO MOVED TO APPROVE THE APPOINTMENT OF MS. DIANA PALADINO TO THE NORWALK LIBRARY BOARD OF TRUSTEES.**

Ms. Romano then spoke about her support of Ms. Paladino.

Mr. Miklave said that he would like to make his comments about all the candidates for the Boards and Committees. He said that there was a lack of public notice and participation in the democratic process. He went on to speak about his concerns about the current process. He acknowledged the Mayor's agreement to give 10 days notice of the appointments but pointed out there were three late appointments that were not noticed until three days prior to the meeting.

**** MR. MIKLAVE MOVED TO TABLE THE SLATE OF APPOINTMENTS UNTIL THE NEXT COUNCIL MEETING.**

**** THE MOTION TO TABLE THE SLATE OF APPOINTMENTS UNTIL THE NEXT COUNCIL MEETING FAILED TO PASS WITH SIX IN FAVOR (DULEEP, PEÑA, MIKLAVE, GEAKE, KIMMEL AND IGNERI) AND NINE AGAINST (HILLIARD, HEMPSTEAD, BONDI, ROMANO, WATTS, KYDES, MAGGIO, PETRINI, AND MCCARTHY).**

Edward J. Tracey, Board of Health

**** MR. HEMPSTEAD MOVED TO APPROVE THE APPOINTMENT OF EDWARD J. TRACEY TO THE NORWALK BOARD OF HEALTH.**

Mr. Hempstead said that he fully supported Dr. Tracey for this position, particularly since the name Tracey was almost synonymous with Health in the City.

**** THE MOTION TO APPROVE THE APPOINTMENT OF EDWARD J. TRACEY TO THE NORWALK BOARD OF HEALTH PASSED UNANIMOUSLY.**

Gregory D. Burnett, Board of Health

**** MR. HILLIARD MOVED TO APPROVE THE APPOINTMENT OF GREGORY D. BURNETT TO THE NORWALK BOARD OF HEALTH.**

Mr. Hilliard went on to speak about his support for Mr. Burnett.

Ms. Duleep said that she was expecting to see Mr. Burnett appointed to BET, not to the Board of Health. She asked whether Mr. Burnett would be presented for the BET or not. Mayor Moccia stated that the vote before the Council was for Mr. Burnett to be appointed to the Board of Health.

**** THE MOTION TO APPROVE THE APPOINTMENT OF GREGORY D. BURNETT TO THE**

NORWALK BOARD OF HEALTH PASSED UNANIMOUSLY.

Karin A. Beggan, Human Relations

**** MS. ROMANO MOVED TO APPROVE THE APPOINTMENT OF KARIN BEGGAN TO THE HUMAN RELATIONS COMMISSION.**

Both Ms. Romano and Mr. Hempstead spoke about their support of Ms. Beggan.

**** THE MOTION TO APPROVE THE APPOINTMENT OF KARIN BEGGAN TO THE HUMAN RELATIONS COMMISSION PASSED UNANIMOUSLY.**

Adam J. Blank, Zoning Commission (Regular)

Mayor Moccia explained that Mr. Blank had to resign from his position as an alternate on the Zoning Board in order to be appointed as a full member of the Zoning Board.

**** MR. MCCARTHY MOVED TO APPROVE THE APPOINTMENT OF ADAM J. BLANK TO THE ZONING COMMISSION AS A REGULAR COMMISSIONER.**

Mr. McCarthy said that Mr. Blank has brought a deal of information on the Zoning Board as an Alternate Commissioner.

**** THE MOTION TO APPROVE THE APPOINTMENT OF ADAM J. BLANK TO THE ZONING COMMISSION AS A REGULAR COMMISSIONER PASSED UNANIMOUSLY.**

Clyde J. Mount, Oak Hills Park Authority

**** MR. HEMPSTEAD MOVED TO APPROVE THE APPOINTMENT OF CLYDE J. MOUNT TO THE OAK HILLS PARK AUTHORITY.**

Mr. Hempstead spoke about his support of Mr. Mount, a former Council Member.

**** THE MOTION TO APPROVE THE APPOINTMENT OF CLYDE J. MOUNT TO THE OAK HILLS PARK AUTHORITY PASSED UNANIMOUSLY.**

D. Seeley Hubbard, Conservation Commission

**** MR. IGNERI MOVED TO APPROVE THE APPOINTMENT OF D. SEELEY HUBBARD TO THE CONSERVATION COMMISSION.**

Mr. Igneri spoke about his support of Mr. Hubbard for the appointment. Ms. Duleep said that she had served with Mr. Hubbard in the past. Mr. Hempstead also noted that he had worked with Mr. Hubbard on the Land Trust.

**** THE MOTION TO APPROVE THE APPOINTMENT OF D. SEELEY HUBBARD TO THE CONSERVATION COMMISSION PASSED UNANIMOUSLY.**

Dennis Santella, Harbor Management Commission

**** MR. KYDES MOVED TO APPROVE THE APPOINTMENT OF DENNIS SANTELLA TO THE HARBOR MANAGEMENT COMMISSION.**

**** THE MOTION TO APPROVE THE APPOINTMENT OF DENNIS SANTELLA TO THE HARBOR MANAGEMENT COMMISSION PASSED UNANIMOUSLY.**

Eric Chandler, Historical Commission

**** MR. BONDI MOVED TO APPROVE THE APPOINTMENT OF ERIC CHANDLER TO THE HISTORICAL COMMISSION.**

**** THE MOTION TO APPROVE THE APPOINTMENT OF ERIC CHANDLER TO THE HISTORICAL COMMISSION PASSED UNANIMOUSLY.**

Charles Yost, Historical Commission

**** MS. MAGGIO MOVED TO APPROVE THE APPOINTMENT OF CHARLES YOST TO THE HISTORICAL COMMISSION.**

**** THE MOTION TO APPROVE THE APPOINTMENT OF CHARLES YOST TO THE HISTORICAL COMMISSION PASSED UNANIMOUSLY.**

Lori Torrano, Redevelopment Agency

**** MR. PETRINI MOVED TO APPROVE THE APPOINTMENT OF LORI TORRANO TO THE REDEVELOPMENT AGENCY.**

**** THE MOTION TO APPROVE THE APPOINTMENT OF LORI TORRANO TO THE REDEVELOPMENT AGENCY PASSED UNANIMOUSLY.**

MAYOR'S REMARKS:

The Mayor informed the Council to dress in their Sunday best for the next meeting on January 24th because Richard Bonenfant would be there to take the Council photo.

Mayor Moccia then asked Mr. Morris to come forward and give the details about the Martin Luther King programs around the City. Mr. Morris said that the events will be held on Monday, January 16th. At 8:00 a.m. at West Rocks Middle School there will be a Community Prayer Breakfast. The Brien McMahan Center for Youth Leadership will be sponsoring a program about "The Strangers Among Us" which refers to the immigrant population. The cost for the breakfast is \$15.00, which is for the Martin Luther King scholarships for Norwalk Public School students.

At Norwalk High at 10 a.m. until 12:30 p.m. there will be a Norwalk Public Schools program with Reverend Dancy, the director of the Serving All Vessels Equally, as the keynote speaker about the At Risk students. There will also be workshops along with music provided by Columbus Elementary School and West Rocks Middle School students.

In the evening, there will be a citywide event at 7 p.m. in the Concert Hall, along with an address by Rev. Richard Stenhouse will address the gathering.

On Friday, January 13 at 7 p.m., Grace Baptist Church will have a new program focused on 40 days of peace, which will remember all the people who have lost through violence in the City of Norwalk and hopefully motivate the residents of Norwalk towards civility and peace for the next 40 days.

The Mayor thanked Mr. Morris for providing the information on the events.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

**** MR. HILLIARD MADE A MOTION TO REMOVE THE NOMINATION OF THE ASSISTANT CITY CLERK FROM THE TABLE.**

RECESS

A recess was announced at 8:50 p.m. The meeting reconvened at 8:55 p.m.

**** THE MOTION TO REMOVE THE NOMINATION OF THE ASSISTANT CITY CLERK FROM THE TABLE PASSED UNANIMOUSLY.**

**** MR. HILLIARD MOVED TO NOMINATE MS. TAMMY K. GRIMES-MCPHERSON AS ASSISTANT CITY CLERK.**

**** MR. MIKLAVE MOVED TO NOMINATE MR. ERIK ANDERSON.**

Mr. Kimmel announced his support of the nomination of Mr. Anderson and went on to speak about Mr. Anderson's accomplishments, including the anti-bullying initiative.

Ms. Duleep agreed and said that the difference between partisan and being political was important. She then spoke about his abilities and reminded everyone that several people had spoken in favor of Mr. Anderson.

Mr. Peña said that he would be supporting Mr. Anderson and said that he felt Mr. Anderson was the most qualified.

Mr. Hempstead pointed out that there were two names before the Council. He said that there had never been any traditions regarding the appointment of the Assistant City Clerk. He added that this was not about personality. This is a Council vote.

A roll call vote was then announced.

**** THE ROLL CALL VOTE RESULTED IN EIGHT VOTES FOR MS. GRIMES-MCPHERSON (HILLIARD, HEMPSTEAD, BONDI, WATTS, GEAKE, KYDES, MAGGIO AND PETRINI); FIVE VOTES FOR MR. ANDERSON (DULEEP, PEÑA, MIKLAVE, KIMMEL AND IGNERI) AND TWO ABSTENTIONS (ROMANO AND MCCARTHY).**

RECESS

A recess was announced at 9:09 p.m. The Mayor reconvened the meeting at 9:15 p.m.

A. GENERAL COUNCIL BUSINESS

1. Corporation Counsel Opinion

**** MR. HILLIARD MOVED TO APPOINT THE REDISTRICTING COMMITTEE.**

Mr. Hempstead asked if the Chairman of the Legislative Body could appoint an ad hoc Atty. Maslan said that it would require a suspension of the rules.

**** MR. HEMPSTEAD MOVED TO SUSPEND THE RULES.**

**** THE MOTION PASSED UNANIMOUSLY.**

There was a discussion regarding whether this item should go directly to the Ordinance Committee. Ms. Doyle said that everything had to be done by March 6th. The best timetable would be to have the vote on January 24th. A public hearing is not required, however the Chambers have been reserved for a public information session on January 23rd and this could be used as a public hearing format.

**** MR. MIKLAVE MOVED TO SEND THE ITEM TO THE ORDINANCE COMMITTEE FOR FURTHER ACTION.**

Mr. Hempstead asked if the Committee would be able to return it to the Council by the January 24th meeting. Mr. Miklave said that he believe that Ordinance Committee needed to decide if a public hearing should be held. Mayor Moccia said that he was concerned about the people who may not realize their voting location has changed. Atty. Maslan suggested that the public information session be used as a public hearing, since a hearing is not required.

**** THE MOTION TO SEND THE ITEM TO THE ORDINANCE COMMITTEE FOR FURTHER ACTION PASSED UNANIMOUSLY.**

B. CONSENT CALENDAR:

**** MR. HILLIARD MOVED THE FOLLOWING ITEMS AS THE CONSENT CALENDAR:**

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE ALZHEIMER'S ASSOCIATION, CT CHAPTER FOR THEIR USE OF CALF PASTURE BEACH FOR THE WALK TO END ALZHEIMER'S TO BE HELD SUNDAY, SEPTEMBER 30, 2012 FROM 6:30 AM – 2:00 PM. ESTIMATED ATTENDANCE 1,000+.

1B. APPROVE THE USE OF THE SHOW MOBILE BY THE ALZHEIMER'S

ASSOCIATION CT CHAPTER FOR THEIR EVENT AT CALF PASTURE BEACH TO BE HELD SUNDAY, SEPTEMBER 30, 2012.

2A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH LIVE GREEN CONNECTICUT FOR THE USE OF TAYLOR FARM FOR THEIR ANNUAL LIVE GREEN CONNECTICUT EVENT TO BE HELD SATURDAY, SEPTEMBER 15, 2012 AND SUNDAY, SEPTEMBER 16, 2012 FROM 10:00 AM – 4:00 PM EACH DAY. ESTIMATED ATTENDANCE 1,000+. SET UP TO TAKE PLACE THURSDAY, SEPTEMBER 13, 2012 AT NOON AND TEAR DOWN NO LATER THAN NOON ON MONDAY, SEPTEMBER 17, 2012.

2B. APPROVE THE USE OF THE SHOW MOBILE BY LIVE GREEN CONNECTICUT FOR THEIR EVENT TO BE HELD SATURDAY, SEPTEMBER 15, 2012 AND SUNDAY, SEPTEMBER 16, 2012 AT TAYLOR FARM.

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE CONNECTICUT VALLEY REGION PORSCHE CLUB OF AMERICA TO USER CRANBURY PARK PAVILION AND GREAT LAWN FOR THEIR FATHER’S DAY CONCOURS 2012 TO BE HELD SUNDAY, JUNE 17, 2012 FROM 7:00 AM – 2:00 PM. ESTIMATED ATTENDANCE 200.

4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE NORWALK EXCHANGE CLUB FOR THE USE OF TAYLOR FARM FOR THE ANNUAL NORWALK EXCHANGE CLUB ANTIQUE AUTO SHOW TO BE HELD SUNDAY, APRIL 29, 2012 FROM 9:00 AM – 4:00 PM. SET UP TO TAKE PLACE THURSDAY, APRIL 26, 2012 AT NOON WITH TEAR DOWN NO LATER THAN NOON ON MONDAY, APRIL 30, 2012. ESTIMATED ATTENDANCE 1,000+. RAIN DATE SUNDAY, MAY 6, 2012.

5. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH TEAM MOSSMAN EVENTS FOR A MINI MOSSMAN YOUTH TRIATHLON AND MOSSMAN SPRINT TRIATHLON TO BE HELD AT CALF PASTURE BEACH AND SHADY BEACH ON SATURDAY, JULY 14, 2012 AND SUNDAY, JULY 15, 2012 FROM 6:30 AM – 11:00 AM. SET UP TO TAKE PLACE ON FRIDAY, JULY 13, 2012 AT NOON WITH TEAR DOWN NO LATER THAN NOON ON MONDAY, JULY 16, 2012. ESTIMATED ATTENDANCE 1,000+.

6. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE NORWALK KARTING ASSOCIATION FOR THE USE OF CALF PASTURE BEACH FOR THEIR SPRING AND FALL RACING CALENDAR. ESTIMATED ATTENDANCE 500+.

SPRING 2012

MARCH 31

APRIL 7, 14, 21, 28

MAY 5, 12, 19

NO SUNDAY RAIN DATES ON MAY 13 OR MAY 20

NO SUNDAY RAIN DATES ON OCTOBER 14 OR SEPTEMBER 30

FALL 2012

SEPTEMBER 15, 29

OCTOBER 6, 13, 20, 27

NOVEMBER 3, 17, 24

7A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH BOURNE CONSULTING ENGINEERING PROJECT #3094 ENGINEERING SERVICES – CONDITION ASSESSMENT & DESIGN REPAIRS FISHING PIER, JETTY, AND SEA WALL CALF PASTURE BEACH FOR A SUM NOT TO EXCEED \$49,950.00. ACCOUNT # TO BE DETERMINED.

7B. AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO ISSUE CHANGE ORDER FOR ADDITIONAL TESTING FOR A SUM NOT TO EXCEED \$20,050.00. ACCOUNT # TO BE DETERMINED.

8. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH PETER GISOLFI ASSOCIATES PROJECT #3078 CREATION OF A COMPREHENSIVE MASTER PLAN FOR GALLAHER ESTATE FOR A SUM NOT TO EXCEED \$47,500.00. ACCOUNT #356079-5258 \$20,000.00 GRANT FROM STATE OF CONNECTICUT \$5,000.00 DONATION FROM THE FRIENDS OF CRANBURY AND \$22,500.00 FROM ACCOUNT #09116030-5777-C0366.

COMMON COUNCIL APPROVED THE FOLLOWING ON DECEMBER 13, 2011:

1. AUTHORIZE THE MAYOR, RICHARD A MOCCIA TO ENTER INTO AN AGREEMENT WITH VISION MACHINES, INC., PROJECT #3016 LICENSE PLATE READER SYSTEMS FOR A SUM NOT TO EXCEED \$52,560.00 WITH RUGGED P.C.S INCLUDED. ACCOUNT # TO BE DETERMINED.

THE TECHNICAL CORRECTION IS AS FOLLOWS:

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH SECURE-A-LOT, A DIVISION OF MBO PARTNERS, INC., PROJECT #3016 LICENSE PLATE READER SYSTEMS FOR A SUM NOT TO EXCEED \$52,560.00 WITH RUGGED P.C.S INCLUDED. ACCOUNT # TO BE DETERMINED.

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1a. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH SILVER/PETRUCELLI AND ASSOCIATES, INC. TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE NARAMAKE ELEMENTARY SCHOOL EXPANSION AND IMPROVEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$119,400.00. ACCT. #09045010 5777 B0291

1b. AUTHORIZE NFCC TO APPROVE ADDITIONAL SERVICES (AS NEEDED) AND REIMBURSABLE EXPENSES FOR A TOTAL NOT TO EXCEED \$10,000.

2a. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN

AGREEMENT WITH SILVER/PETRUCELLI AND ASSOCIATES, INC. TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE ROWAYTON ELEMENTARY SCHOOL EXPANSION AND IMPROVEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$234,700.00. ACCT. #09045010 5777 B0291

2B. AUTHORIZE NFCC TO APPROVE ADDITIONAL SERVICES (AS NEEDED) AND REIMBURSABLE EXPENSES FOR A TOTAL NOT TO EXCEED \$11,000.

C. PUBLIC WORKS COMMITTEE

2. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO CROWLEY FORD, LLC FOR THE PURCHASE OF TWO (2) 2012 FORD F350 LOWBOY TRUCKS FOR A SUM NOT TO EXCEED \$63,675.44 (STATE OF CONNECTICUT CONTRACT NO. 10PSX0239 – STATE BID LIST).

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

VII. COMMON COUNCIL COMMITTEES

C. PUBLIC WORKS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute Agreement No. 9.14-03(11), Right of Way Agreement for State Project No. 102-340, the Reconstruction and Lowering of Rowayton Avenue.

Mr. Miklave stated that he would be voting against this item and stated his concerns about the power of eminent domain. He said that this would be the final Council vote before the State could use eminent domain to take property. He said that there was no Plan B if the Council voted this down. Mr. Miklave said that the Council needed to reexamine the way that the City uses the roads, the traffic volume and pedestrian walkways. He questioned why the road had to be so wide at that point and felt it was a safety issue.

Mr. Kimmel said that he had voted for the item in Committee. He said that while he has problems when eminent domain is used for economic gain, but did not have the same problem when public safety was involved. However, since then, he had spoken to a number of residents. He also said that he had difficulty with the fact that there was no Plan B if the plan was not approved as presented. Mr. Kimmel said that it is important to preserve the character of a neighborhood. After considering this, Mr. Kimmel said that he would be voting against the item. He added he believed that by making the road wider and smoother, the traffic would increase.

Ms. Duleep said that she was surprised that the Committee members who had requested information had not received it. Secondly, eminent domain was something that should not be taken lightly. Residents who live in the area are against the project. However, Ms. Duleep explained that public safety was a concern, along with the character of the neighborhood. Because of this, Ms. Duleep would be voting against the project.

Mr. Watts said that in Committee, he had voted against the agenda because he felt that he did not receive enough information. Since that meeting, Mr. Watts said that he has learned more about the process and will be voting for the project.

Mr. Hempstead said that he had worked on this project in the Public Works Committee, took the DPW bus tour and later returned at night to see how much time he would have to make a left turn from the railroad station when a car crested the hill. Doing that showed him that it was dangerous. He added that a tractor trailer can not fit under that bridge. He also noted that trucks had been banned from using Rt. 136.

Mr. Bondi said that he felt Mr. Alvord and Mr. Linnartz had been at the meeting and given appropriate information. Mr. Bondi then read a letter from 2001 from the Sixth Taxing District to Mr. Martin Overton, the former Director of Public Works, supporting this project with the widening of the road.

Mr. McCarthy said that he had walked the area with Mr. Cagney earlier in the day. He added that the term of "eminent domain" was being misused here. The State will be negotiating with the property owners for a fair market value. Eminent domain will be used only as a last resort. Mr. McCarthy asked Mr. Alvord to come forward to answer some questions.

Mr. McCarthy then asked Mr. Alvord how many properties would be affected. Mr. Alvord said that it was 9 properties. When asked what the length of the project was, Mr. Alvord said that it was 800 feet long. He then explained that the State was seeking easements, one of which is temporary, and some of which would be slope easements. One of the retaining walls is already unstable. The State needs to speak to the owners in order to finalize the design concept. The discussion then moved to traffic calming and screening by the trees.

Mr. Kydes asked if the State was intending to exercise eminent domain. Mr. Alvord said that it was the State's intent to acquire an easement, not to acquire property.

Mr. Kimmel asked what would happen if an owner refused to negotiate with the State because there was no front yard left. Mr. Alvord said that none of the 9 properties involved had that situation. However, an owner could challenge the State over the monetary value of the property.

Mr. Kimmel asked about the lighting in that area and what had been done to insure safety. He said that he had not heard a compelling safety issue expressed. Mr. Alvord reviewed the details of the horizontal sight lines and the vertical sight lines. Lighting in the area has not been an issue. Discussion followed.

Mr. Igneri then pointed out that letter from the Sixth Taxing District addressed the pedestrian safety south of Caroline Court. He asked if the project would address this. Mr. Alvord said that it would not. He added that the project would set the stage for something in the future, but there is not a plan for it at this time. The State defined the limits of the project and the southern edge is Caroline Court. There is ongoing conversations with the State about this. Mr. Igneri said that the greater number of residents need sidewalks.

Mr. Miklave said that eminent domain does not become a big issue until the property that is being taken is yours. He said that the eminent domain goes to the heart of government. The government has the power to force an unwilling resident to sell a portion of their land. He went on to say that the thinking about traffic has changed in the last few years.

**** THE MOTION TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AGREEMENT NO. 9.14-03(11), RIGHT OF WAY AGREEMENT FOR STATE PROJECT NO. 102-340, THE RECONSTRUCTION AND LOWERING OF ROWAYTON AVENUE PASSED WITH NINE IN FAVOR (DULEEP, HEMPSTEAD, BONDI, ROMANO, WATTS, GEAKE, KYDES, PETRINI AND MCCARTHY), FIVE AGAINST (HILLIARD, PEÑA, MIKLAVE, KIMMEL, AND**

IGNERI) AND ONE ABSTENTION (MAGGIO)

D. HEALTH, WELFARE & PUBLIC SAFETY

1a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut for the HIV/AIDS Prevention Education Program for the period January 1, 2012, to June 30, 2012.

1b. Authorize the Mayor, Richard A. Moccia, execute any and all agreements, documents, instruments or amendments as may be necessary to implement the HIV/AIDS Prevention Education Program for the period January 1, 2012, to June 30, 2012.

**** MR. WATTS MOVED AGENDA ITEMS VII D1A & VII D1B.**

Mr. Watts explained that to the holidays, the Committee had not been able to meet and therefore he was bringing the two items to the Council for approval.

Mr. Callahan, the Director of the Norwalk Health Department came forward and said that this was a continuation of a HIV/AIDS grant program that the State had been doing for some 20 years.

**** THE MOTION TO APPROVE THE FOLLOWING:**

AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE STATE OF CONNECTICUT FOR THE HIV/AIDS PREVENTION EDUCATION PROGRAM FOR THE PERIOD JANUARY 1, 2012, TO JUNE 30, 2012.

AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS OR AMENDMENTS AS MAY BE NECESSARY TO IMPLEMENT THE HIV/AIDS PREVENTION EDUCATION PROGRAM FOR THE PERIOD JANUARY 1, 2012, TO JUNE 30, 2012.

PASSED UNANIMOUSLY.

VIII. RESOLUTIONS FROM COMMON COUNCIL

There were no resolutions from the Council at this time.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to a specific date at this time.

X. SUSPENSION OF RULES

There were no suspensions of the rules at this time.

XI. ADJOURNMENT

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JANUARY 10, 2012
8:00 P.M. EST. COUNCIL CHAMBERS**

**** MR. BONDI MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services