

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.

I. ROLL CALL

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

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

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

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

II. ACCEPTANCE OF MINUTES

Regular meeting – January 10, 2012

**** MR. BONDI MOTIONED TO APPROVE THE MINUTES FROM THE
JANUARY 10, 2012 MEETING AS SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Mayor Moccia stated that there were no sign-ups for public comments. He asked if there was anyone 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: Tony Lopez, Zoning Board of Appeals
Erik Anderson, Fair Rent Commission

Mayor Moccia stated that he accepts the resignations with regret and thanked Mr. Lopez for his service. He noted that while Mr. Anderson is resigning from the Fair Rent Commission,

he is recommended to serve on another committee, continuing his service to the City.

Ms. Romano stated that she highly recommends Mr. Anderson for this appointment and that he is an outstanding candidate and will be an asset to the Committee.

Ms. Duleep stated that she also recommends Mr. Anderson for this appointment and that he is an outstanding candidate based upon his service on committees and volunteer activities. She added that the fact that he waited until an opening came up on this committee is an indication of his diligence and service to the City, and he will be an asset to the Committee.

Mr. Miklave said that he also supports Mr. Anderson with this appointment and that he is an outstanding candidate based upon his prior service on committees. However, due to the lack of public notice and participation in the democratic process of Committee appointments, he recommends tabling action on this recommendation for two weeks. He went on to speak about his concerns about the current process and stated that despite his comments made during the December meetings, the Mayor is not complying with adequate notification. He stated that two days notice in the Council packet is insufficient time to allow for public comment and this repeated practice reflects poorly on the Council.

Mayor Moccia acknowledged Mr. Miklave's comments and stated that he fully complies with charter requirements, that this is not a Supreme Court appointment, and such comments with disregard to well-serving citizens is counter productive to the meeting and appointment process.

**** MR. MIKLAVE MOVED TO TABLE THE APPOINTMENT MR. ANDERSON TO THE HUMAN RELATIONS COMMITTEE UNTIL THE NEXT COUNCIL MEETING.**

**** THE MOTION TO FAILED WITH TWO VOTES IN FAVOR (MIKLAVE, GEAKE), TEN OPPOSED (KIMMEL, IGNERI, HILLIARD, HEMPSTEAD, BONDI, ROMANO, WATTS, KYDES, MAGGIO, PETRINI) AND ONE ABSTENTION (DULEEP).**

**** MS. ROMANO MOTIONED TO APPROVE THE APPOINTMENT OF ERIK ANDERSON TO THE HUMAN RELATIONS COMMISSION, WITH A TERM TO EXPIRE 09/01/2013:**

**** THE MOTION PASSED UNANIMOUSLY.**

MAYOR'S REMARKS:

Mayor Moccia stated that he welcomed the new Assistant City Clerk, Tammy McPherson to the position and that she hit the ground running last week with her assistance with the Mayor's Ball. He noted that while she was entering her new office, he was leaving for Washington, DC to attend the Mayor's Conference, and with little time for transition, she was able to jump in and help with the many logistics of the Ball, and he appreciated her help.

Mayor Moccia stated that the Mayor's Conference was a very informative experience and that so many other cities are faced with the same challenges as Norwalk, but that it was very valuable time spent at the conference.

Mayor Moccia stated that the Mayor's Ball was a great night and it was a good time to see many colleagues in a non-political setting. He added that over \$10,000 was raised with the Silent Auction proceeds, and he thanked all those who attended and especially those involved with coordinating the many details of the event.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Mr. Hilliard read the following items for consent: VII. A1, A2, A3. A4. B2a, 2b, 3, 5, 6,

B. CONSENT CALENDAR:

**** MR. HILLIARD MOTIONED THE FOLLOWING ITEMS FOR THE
CONSENT CALENDAR:**

VII. A1, A2, A3. A4. B2a, 2b, 3, 5, 6,

**** THE MOTION PASSED UNANIMOUSLY.**

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: January 12, 2012**
- 2. For informational purposes only: Monthly Tax Collector's Report December 31, 2011.**
- 3. For informational purposes only: Narrative on Tax Collections dated January 12, 2012.**
- 4. Authorize the Mayor, Richard A. Moccia to execute a three (3) year master lease agreement for Office Copiers with Connecticut Business Solutions and authorize the Purchasing Agent to add office copiers to this master agreement for a total amount not to exceed \$69,120.00 (various City Accounts).**

B. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

- 2. a) Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Juvenile Diabetes Research Foundation for the use of Calf Pasture Beach for their Annual "Walk to Cure Diabetes" to be held Sunday, October 14, 2012 from 6:00 AM – 1:00 PM. Estimated attendance 1,100.**

b) Approve the use of the Show Mobile by the Juvenile Diabetes Research Foundation for their "Walk to Cure Diabetes" to be held Sunday, October 14, 2012.

3. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk Seaport Association, Inc. for the use of Veteran's Park for the Annual Oyster Festival to be held Friday, September 7, 2012 from 6:00 PM – 11:00 PM, Saturday, September 8, 2012 from 11:00 AM – 11:00 PM, Sunday, September 9, 2012 from 11:00 AM – 8:00 PM. Set up to take place Friday, August 24, 2012 with tear down no later than Noon Friday, September 21, 2012.

Admission Prices: General Admission \$12.00 Seniors 65+ \$10.00
Children 5-12: \$ 5.00 Children under 5 Free Estimated attendance 30,000+.

4. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Crohn's & Colitis Foundation for the use of Calf Pasture Beach for a "Take Steps Walk" to be held Sunday, June 10, 2012 from 4:00 PM – 6:00 PM with set up 11:00 AM on Sunday, June 10, 2012 and tear down no later than 8:00 PM Sunday, June 10, 2012. Estimated attendance 250.

5. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Rowayton School PTA for the use of the grounds of Rowayton School for their Annual Carnival to be held Friday, May 11, 2012 from 5:00 PM – 10:00 PM and Saturday, May 12, 2012 from 10:00 AM – 5:00 PM. Set up Wednesday, May 9, 2012 with tear down no later than Noon Sunday, May 13, 2012. Estimated attendance 500.

** MS. DULEEP MOVED THE FOLLOWING ITEM:

Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk High Marching Bears for the use of Andrews Parking Lot for a Carnival to be held Thursday – Saturday, June 14-16, 2012 from 6:00 PM – 10:00 PM. Set up June 11, 12 with tear down no later than Noon June 18, 2012. Estimated attendance 1,000+.

Mr. Bondi stated that he had concerns over the date that conflicted with graduation of Norwalk High School if there are no snow days, and the fact that this item had not been approved by the Superintendent, based on his phone conversation with Dr. Marks.

Mr. Petrini stated that this organization is one of the mainstays in the community with fundraising efforts and receiving national acclaim for the Band program in Norwalk.

Mr. Petrini stated that he was president of the Marching Bears for over ten years and assured the Council that this parent-run group has secured approval from the principal; and they will follow any required procedures as needed. He added that he applauds the band, because instead of coming to the city and asking for money, they're doing it their own way and they're trying a new fundraiser with a carnival. He stated that he would like the Council to give them permission to hold this event and he proudly supports it.

Mr. Bondi requested that the item be amended to include approval on condition of the Superintendent's approval, and Mayor Moccia suggested that this be the Board of Education approval. Mr. Petrini reviewed the positive efforts that this organization is an asset to the City and stated that he strongly recommends having the item approved as stated as conditional approval may delay processing the required paperwork on the event.

Mr. Kydes stated that while he is a strong supporter of the band organizations, he felt it was a conflict with the timing for band member participation and that they could not be in two places at one time.

Mr. Kimmel asked if the insurance and bond requirements were satisfied and Mr. Moccia replied that they have complied with all documentation and have secured additional parking.

A discussion ensued regarding the requirement for Board of Education approval and Mr. Hempstead asked corporation Counsel for an opinion. Attorney Maslan replied that the event could be approved by the Council with conditional approval by the Board of Education. Ms. Duleep requested a five minute recess to discuss and clarify this conditional approval.

Mayor Moccia called a recess at 8:35 p.m. and the meeting was reconvened at 8:40 p.m.

Mr. Kimmel stated that he had several questions and asked that a representative from the band parents come forward to field these questions.

Mr. Chuck Goulart, introduced himself as President of the Marching Bears and stated that in response to questions raised this was discussed in detail at the Recreation & Parks Committee and public information session that was held. He stated that this is a parent fundraising effort for the students of the Marching Bears Band as an alternative to selling candy and candles.

Mr. Kydes asked about the timing with Norwalk High graduation and the post-grad party efforts. Mr. Goulart replied that there were only twenty seniors in the band, and they did not see it as a conflict, rather than an opportunity to capitalize on the additional traffic from graduation by having a place or event for people to attend. He added that students are not involved in running the carnival and described the Marching Bears as a standalone parent organization that is neither run by nor funded by the Norwalk school system. He explained that to use Andrews Field parking lot or other city property, however, the Marching Bears needs city approval, and they need to get approval from whatever section of town that they're using, so in this case, its parks and recreation for the use of the field.

Mr. Goulart noted that this is not a school sponsored event and students are not required to man booths or to perform, it is done entirely by the parents and the carnival vendor. He added that the organization is a separate 501C3 organization with over a six figure budget fully funded by parent fundraising that is not subsidized by the school district or the City budget.

Mr. Bondi suggested that the event should be moved to May because of graduation, due to the amount of traffic and limited parking in that area. Mr. Goulart replied that May is not

ideal due to a greater likelihood of rain and stated that they would either delay the start of the Carnival by 2 hours to begin after graduation, or hopefully a one day move of graduation due to a snow day would alleviate any potential conflict.

**** MR. BONDI MOTIONED TO AMEND THE ITEM TO INCLUDE
CONTINGENT UPON APPROVAL FROM THE BOARD OF EDUCATION.**

There was no call to vote on the motion.

A discussion ensued regarding clarification of the requirement for Board of Education approval and Mr. Petrini stated that the organization is a separate 501-C3 name and Mr. Petrini stated that as indicated on the supporting documents, the name of the group is Marching Bears, Inc. Mayor Moccia stated that this explained much of the reason for concern with the approval, as it was assumed that it was a school-sponsored activity that required student participation.

Mr. Bondi withdrew his motion to amend the item.

Mayor Moccia requested that the item be amended with corrections to the name of the organization to change Norwalk High Marching Bears to read Marching Bears, Inc.

**** MR. PETRINI MOVED TO AMEND THE ITEM TO CHANGE NORWALK
HIGH MARCHING BEARS TO READ MARCHING BEARS, INC.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. DULEEP MOTIONED TO AUTHORIZE THE MAYOR, RICHARD A.
MOCCIA TO ENTER INTO AN AGREEMENT WITH THE MARCHING
BEARS, INC. FOR THE USE OF ANDREWS PARKING LOT FOR A
CARNIVAL TO BE HELD THURSDAY – SATURDAY, JUNE 14-16, 2012
FROM 6:00 PM – 10:00 PM. SET UP JUNE 11, 12 WITH TEAR DOWN NO
LATER THAN NOON JUNE 18, 2012. ESTIMATED ATTENDANCE 1,000+.**

**** THE MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, ONE
OPPOSED (BONDI) AND NO ABSTENTIONS.**

**** MS. DULEEP MOVED THE FOLLOWING ITEM:**

Authorize the Mayor, Richard a. Moccia to enter into an agreement with Team Mossman Inc. for the use of Calf Pasture Beach for a Mossman Half Iron Man Triathlon to be held Sunday, July 1, 2012 from 6:30 AM – 3:00 PM with set up Noon on Saturday, June 30, 2012 and teardown no later than 6:00 PM on Sunday, July 1, 2012. Estimated attendance 250.

Mr. Hempstead asked about the timing and expressed concern with the disruption to the beach during a peak summer weekend. He added that this came up in Committee and he has

asked that going forward efforts be done to schedule events in May or September and to look at policies at surrounding towns to determine best practices to avoid over scheduling things at Calf Pasture.

Mr. Kydes stated that he agreed with Mr. Hempstead, and said that many activities take place in East Norwalk and that at some point things need to be leveled off to other parks in the city.

Mr. Kimmel asked how intrusive the event will be for beach goers, and Mr. Mocciaie replied that that the swim is at 6:30 a.m. and the races do not interfere with beach goers. Mr. Kimmel asked about the set up arrangements and for the number of anticipated guests to attend and any other ways this would interfere with beach traffic. Mr. Mocciaie stated that there is a small registration area, but that there is very little in terms of stopping traffic especially in view of the fact that the event starts at 6:30 a.m. and is finished by 3:00 p.m. He added that events like this create awareness of Calf Pasture to out-of-towners who then come back and pay the entrance fee, so it is actually good publicity. He added that if nothing else, this provides “eye candy” for residents to observe the athletes and the healthy-lifestyle activity, which helps to promote the beach to in a positive light.

Mr. Robin Myers introduced himself as a long-term volunteer event coordinator for the organization and presented an overview of the item with details in response to questions asked. He stated that this was a modification to their annual events held at Calf Pasture, where there have been biathlons or half marathons, while this event increases the distances to be a half triathlon.

Ms. Duleep stated that the applicant was very thorough with distributed an information binder of materials about the course of the race, including participant disclaimer waivers, safety measures, emergency contact information sheets for the paramedics and special procedures for the certified lifeguards.

Mr. Kimmel asked about the background of the Mossman organization and Mr. Meyers explained that they have done events like this for many years and have done similar races at Calf Pasture that we all successful. He added that as requested by the Committee, included in the supporting documents is a list of proceeds from events are donated to many charities including Cystic Fibrosis, Save the Children, YMCA Strong Kids and Pancreatic Cancer.

Mr. Peña asked where they are based, and Mr. Myers replied that the members are mostly Norwalk based. Mr. Watts stated that he wanted to thank the Mossman organization for the donations to many charitable organizations and that \$19,000 is a considerable amount of money at this time of economic need.

Mr. Hempstead clarified that this is not the focus of the item and that while charitable contributions are admirably noted, they are not a requirement for scheduling the park and are not part of the purview of the Council. He restated that his concern is strictly the timing and with scheduling events such as this during the peak beach season and asked that they be done in May or September. Mr. Kydes added that next year the event should be moved to a different weekend and not during a major holiday weekend.

Ms. Maggio stated that the Fourth of July is on a Wednesday, and Mr. Mocciaie replied that City fireworks are always on July 3, so there is no actual conflict with that Sunday morning for the holiday weekend.

Mayor Moccia called for a roll call vote on the motion.

**** AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH TEAM MOSSMAN INC. FOR THE USE OF CALF PASTURE BEACH FOR A MOSSMAN HALF IRON MAN TRIATHLON TO BE HELD SUNDAY, JULY 1, 2012 FROM 6:30 AM – 3:00 PM WITH SET UP NOON ON SATURDAY, JUNE 30, 2012; TEARDOWN NO LATER THAN 6:00 PM ON SUNDAY, JULY 1, 2012. ESTIMATED ATTENDANCE IS 250.**

**** THE MOTION PASSED WITH TWELVE VOTES IN FAVOR, TWO OPPOSED (BONDI, HEMPSTEAD) AND NO ABSTENTIONS.**

**** MS. DULEEP MOVED THE FOLLOWING ITEM:**

Authorize the Mayor, Richard A. Moccia to execute an Amendment to the design services Agreement with BSC Group for Oyster Shell Park, Phase 1, to provide construction administration services for a total not to exceed \$80,150. Said service shall include Landscape Architect/Civil Engineering, Structural, Geotechnical and Electrical consulting services, for the duration of construction ending December 1, 2012 and submission of closure report. Account #0902910-5777-C0241.

Mr. Geake stated that he had concerns with hazardous waste and asked what was contained under the cap. Mr. Mocciaie replied that the cap has been done properly unless it is disturbed, which is why he has requested a tech crew to be on site to ensure the proper protection measures are being taken.

Mr. Kimmel asked for a definition of the term “on-site” and requested more specifics, and Mr. Mocciaie replied that it is the same as when actively digging. Mr. Mocciaie referred to the supporting documents and stated that this comes from the Redevelopment Agency grant account and has been established to address the reimbursable expenses for services based on the scope of the project. .

**** MS. DULEEP MOVED AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AMENDMENT TO THE DESIGN SERVICES AGREEMENT WITH BSC GROUP FOR OYSTER SHELL PARK, PHASE 1, TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR A TOTAL NOT TO EXCEED \$80,150. SAID SERVICE SHALL INCLUDE LANDSCAPE ARCHITECT/CIVIL ENGINEERING, STRUCTURAL, GEOTECHNICAL AND ELECTRICAL CONSULTING SERVICES, FOR THE DURATION OF CONSTRUCTION ENDING DECEMBER 1, 2012 AND SUBMISSION OF CLOSURE REPORT. ACCOUNT #0902910-5777-C0241.**

**** THE MOTION PASSED UNANIMOUSLY.**

C. ORDINANCE COMMITTEE

** MR. GEAKE MOVED THE FOLLOWING ITEM:

Approval of revised voting districts of polling places for state and federal (even year) elections.

Mr. Geake presented the item and asked the Registrars of Voters to come forward to go over the details of the maps and boundaries. Mr. Wells stated that the primary objective of the polling place map was to more centrally locate polling locations after the state redrew legislative district boundaries after the 2010 U.S. Census. Overall, the new map reduces from 14 to 12 the number of polling places in Norwalk for state and federal elections. Brookside Elementary School and the rear of Nathan Hale Middle School will no longer be used as polling places for those elections. He added that the map reduces but does not eliminate the reality that some voters will still be forced to vote at two locations, depending upon whether an election is for local or for state and federal offices.

Mr. Kydes stated that the original plan put forward by the registrars called for closing Ely School having its voters cast ballots at Columbus Magnet School. He explained that Mr. during the Committee meeting and public hearing, a few South Norwalk leaders said closing Ely School would disenfranchise Roodner Court residents who do not own vehicles.

Mr. Kimmel stated that he feels it's terrible for people who are being bounced all over the place and they're trying to do their civic duty, adding that this flipping business is really absurd. Mr. Wells replied that before the redistricting, three-eighths of the city was flipping polling locations, now it's going to be less, perhaps down to 20 percent, but it's going to be extremely difficult to do better than that due to the interaction of local and state districts with taxing districts.

Ms. Wells reviewed the maps and explained what the changes were for the polling places. , Mr. Wells explained that this proposal was only legislative and not for the municipal election. He added that the proposed precinct plan comes after the state, as part of the mandated redistricting following the 2010 U.S. Census, redrew the borders of some legislative districts.

Ms. Wells explained that under the plan, Brookside Elementary and the rear portion of Nathan Hale Middle schools were eliminated as polling places and District 141A voters would vote at Roton Middle School rather than Rowayton Elementary School. Mr. Wells replied that Roton was a more central location and the District Commissioners were very helpful in evaluating these changes. He added that District 140C would continue to vote at Nathaniel Ely School, but the boundary of the precinct would be redrawn from east-west to north-south and follow Taylor Avenue up to Interstate 95.

Mr. Wells said the polling place plan would increase the number of voters in the city's smallest polling places and reduce the number of voters at the larger ones. He added that closing two polling places, Brookside Elementary and the back of Nathan Hale would save

the city \$5,000 per election.

Mr. Bondi asked if the \$5,000 in cost savings took into account moving expenses and mailing costs; and Mr. Wells replied that this cost was not factored in as it was planned to be a cost already in the budget to all households.

Mr. Kydes stated that he recommended highly to mail to every household in Norwalk to notify them where they have to vote as we need to have a clear communication link to make sure people know where they vote, as it can be very confusing. He explained that the costs of mailing is a fixed cost in this situation and is not a factor in the cost savings. He added that communication needs to be done properly by newspaper, e-mail, website and mailing to clearly communicate to all residents the changes.

Mr. Sodaro noted that additional signage will be done also at the prior school locations informing residents of changes, and this is a minimal cost.

Mayor Moccia stated that he realizes the confusion with voters having to flip polling places, but added that Norwalk voters aren't alone, stating that the large cities have that same difficult issue and it's a challenge for many cities.

Mr. Miklave stated that he has experienced this in the past with litigation over polling places, and it is an extremely difficult and complicated task as there are so many elements to consider with the logistics of boundaries and accommodations. He recommended that the Council rely on the judgment of the professionals in the Registrar of Voters office and to support them that this plan is the best compromise that meets the needs of the City.

Mr. Geake added that handicap accessibility is another factor for consideration.

Attorney Maslan stated that there were many overlays on the charts and asked to clarify what was being approved so that the City Clerk could record the correct changes. Mr. Wells referred to the maps that were presented.

Mr. Bondi also asked that the Board of Education not hold staff meetings at schools used as polling places on Election Day. He stated that The Board of Education has meetings in the schools for training when schools are closed for professional days, and they take up all the parking. He asked that the committee request the Superintendent to change this practice. Mr. Hilliard stated that he will speak to Dr. Marks. Mr. Kimmel noted that it is an official day of work for teachers, so it may be difficult to coordinate grouping the district into one school for training workshops.

Ms. Doyle Lyons thanked the Ordinance Committee for expediting this item, and she expressed her appreciation to Mr. Wells and Mr. Sodaro for their mapping skills for the presentation. Mr. Kydes thanked the Registrar of Voters Office for their hard work in developing the plan and said the focus must be on notifying voters and clear communication.

**** MR. GEAKE MOVED TO APPROVE THE REVISED VOTING DISTRICT OF**

**POLLING PLACES AS RECOMMENDED BY THE REGISTRARS OF
VOTERS FOR STATE AND FEDERAL (EVEN YEAR) ELECTIONS.**

**** THE MOTION PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL MOTIONS POSTPONED TO A
SPECIFIC DATE - none.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES- none

XII. ADJOURNMENT

**** MS. ROMANO MOTIONED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services