

**COMMON COUNCIL
NORWALK, CONNECTICUT
CHAMBERS**

**JUNE 12, 2012
8:00 P.M. EST. COUNCIL**

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 p.m. and led the assembly in reciting the Pledge of the Allegiance.

I. ROLL CALL

Ms. Halsey, City Clerk, called the Roll.

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

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

At Roll Call there were fifteen (15) Councilmembers present.

II. ACCEPTANCE OF MINUTES

Regular Meeting: May 22, 2012

The following corrections were made to the minutes:

Page 1, under Roll Call: Add Ms. to Anna Duleep's name and add Mr. to Mr. Warren Pena's name.

**** MR. KYDES MOVED TO ACCEPT THE MINUTES AS CORRECTED
** MOTION PASSED WITH ONE (1) ABSTENTION (MS. ROMANO)**

IV. MAYOR

MAYOR'S REMARKS:

Mayor Moccia announced that he wanted to recognize and present Certificates from the City of Norwalk, honoring the accomplishments of two great athletes. Ryan Daniello who was not present was chosen as the 2012 Connecticut Gatorade Baseball Player of the Year. The other Certificate was presented by the Mayor to Matt Iannazzo who broke the University of Pittsburgh School's record for the most wins in four years.

I. PUBLIC PARTICIPATION

Mayor Moccia opened the public participation portion of the meeting. He asked all speakers to keep their comments to three minutes. He also requested that there will be no personal attacks on anyone.

Mr. Michael Lyons, Board of Education expressed thanks to the Common Council and the Board of Estimate and Taxation. He said that the Board of Education would be grateful if there was anything more that could be done to find a way to help them out of their financial crisis. He said that they are in negotiations with the Teacher's Union. He said that they do not want to impose a big tax increase to fund them. Mr. Lyons said that the Board of Education has added a Chief Financial Officer's position to their budget to ensure that a short fall like this never happens again.

Mr. Stan Remson, Tanglewood Lane, asked the Common Council to pass the resolution that was before them tonight. He asked if the Board of Education could tap into the Rainy Day fund.

Mr. Tom Keegan, Barjune Road asked the Common Council to make the Board of Education budget a priority.

Mr. Andy Garfinkle, Beau Street, said that the public needs to be assured that the City will be more diligent with its finances. He said that the proposed budget should be considered. He said that he fully supports the efforts put forth by the Democratic Councilmembers.

Ms. Donna Rastocky, Olmstead Place asked that the Common Council support the Board of Education resolution.

Mr. John Reynolds, Van Buren Avenue as Principal, painted a picture of what would

happen if the cuts took place. He said that the Principal would become a jack of all trades and a master of none at the school.

Ms. Marcia Kibbe, Singing Woods Road, Library Assistant asked the Common Council to look at the resolution. She asked everyone to help each other to solve the problem. She said that the Board of Education needs more than \$4 million. She suggested filling empty classrooms and removing the portable classrooms. She suggested overhauling the cooling and heating systems to make them more efficient. She suggested looking at how to use the existing staff and asked everyone to sign a petition to ask the State to look at what they dispense back to the City. She said that getting less than \$1,000 per student is not fair. Ms. Kibbe commended Dr. Marks for setting an example by not taking a raise last year.

Mr. Mike Mushak, Elmwood Avenue spoke in support of the Calf Pasture Road resolution. He said that a study conducted in 2012 recommended a road diet for the road. He said that the road is very dangerous. On July 4, 2009, Governor Rell signed a bill that mandated accommodations for all road users on all State roads. He said that it is proven that a road diet will move cars efficiently and safely. He urged supporting a temporary trial. He said that it will only cost the paint on the road.

Mr. Scott Kimmich, Gilles Lane said that he supported the Calf Pasture Road resolution. He said that the Superintendent's budget not only impacts the students, but everyone. He said that there is a big achievement gap in Norwalk and this budget will do more to damage that. He said that the City is better off borrowing the money and not worrying about the Bond Rating.

Ms. Amanda Brown, County Street said that she was here in support of both resolutions. She asked the Common Council to pass the Board of Education resolution and to give them the necessary support.

Ms. Gretchen Cintron, Magnolia Avenue said that she was here tonight to ask the Common Council to pass the Board of Education resolution.

Mr. Jeff Buckley, North Street, Waterbury, said that he is a teacher at Brookside. He said that they are one of the highest paid teachers in the State. He said that there are teachers who would not take a raise. He said if they are going to ask for support from the Common Council; what does it say if they do not meet them half way.

Rev. Randy Hughes, Day Street said that he represented the children of Norwalk. He said that education is important and each child in Norwalk deserves the opportunity to succeed. He asked everyone to stand together to make it happen.,.

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Mr. Bobby Burgess, Brooklawn Road spoke in support of the Board of Education resolution. He submitted a petition and a plan to fund the gap.

Ms. Meghan Hopkins, McAllister Avenue said that she appreciated the need to pull the City together. She asked the Common Council to support the resolution and support the school system.

Ms. Margaret Kozlark, Three Seasons Lane said that she has a child in the school system. She said that she rents and has no reason to stay in Norwalk. She asked how they could stay in a town that is gutting the school with cuts. She asked for a forensic audit, for the Board of Education to inform the public of the steps they will take to ensure this does not happen again. She asked the Common Council to support the Board of Education resolution.

Mr. Ed Panian, Sylvester Court said that both issues were important. She said that she was here for Beach Road safety. She said that we have the best beach and need to make it safe to walk. She said that the resolution will make it safer for drivers as well as pedestrians.

Ms. Deborah Goldstein, Osborne Avenue spoke about her experience in New York City when there were cuts to the Board of Education budget. She said that she does not want that for her child. She challenged the Common Council to take a ride from this building to the Beach on a Saturday afternoon and then make their decision.

Ms. Jen Pokorney, Sylvester Court said that she supported both resolutions. She spoke about Beach Road safety. She said that there is nothing more petrifying than to walk on the sidewalk. She said that she can't let her child ride their bicycle to the Beach. She said that the resolution is worth trying. She said that keeping kids safe and supporting the schools is very important.

Ms. Merlin Meyer-Mitchell, Allen Road asked what is a bond rating for if it can't be used when the City needs to borrow money. She agrees with making Calf Pasture Beach Road safe.

Ms. Cameron Letters, Rowayton Avenue said that she has two boys in elementary school. She said that she wants to make sure there is accountability. The future of the City is at stake.

Mr. David Marcus, North Water Street, talked about road safety. He said that people are concerned that the plan will cause congestion. He said that it will not cost anything and feels that a test and learn is the least the community deserves.

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Ms. Diane Lauricella, Blue Mountain Ridge said that she hoped the Common Council would support the resolution for the road diet. She said that the staff can come up with a solution if they are directed to do so. She said that in looking at Land Use and Building Management on the agenda, asked that the Rizzo trailer item be removed from the Consent Calendar. She suggested going back to the drawing board for that item. She also talked about the Board of Education resolution. She said that Norwalk has terrific schools, students, teachers and taxpayers. She said that the City allowed The Maritime Aquarium years and years to pay back a loan and asked the Common Council to do the same for the Board of Education.

Ms. Esme Lombard, Cove Avenue spoke in support of the Beach Road resolution. She said that Norwalk lacks a safe infrastructure for recreational users. She said that she has over 100 letters in support of the vehicle free lane. She said that she also has a petition with 400 names in support of the resolution. She said that test and learn is a way to find the true answer. She also asked the Common Council to support the schools.

Ms. Suzanne Koroshetz, Ravenwood Road said that ever since she arrived at Brien McMahon High School there have been cuts every year. She said that there are great things happening at the schools, but the faculty can't do any more. She asked the Common Council to pass the resolution.

Dr. Peter Libre, Seaside Place spoke about Calf Pasture Beach Road in the context of teenage deaths. He said that at least six teenagers did on that road in the past 40 years. He called the road an attractive nuisance. He said that the only other place that this has happened was at the end of Grist Mill and something was done about that. Dr. Libre said that if another teenager dies unnecessarily he will bring this up again.

Ms. Diane Cece, Olmstead Place said that she was here in support of the Calf Pasture Beach Road resolution. She said that it is not safe for pedestrians and is a tragedy waiting to happen. She asked the Common Council to support the test and learn. She said that they should not look at the cost of doing it, but should look at the cost of not doing it. Ms. Cece also requested a suspension of the rules to move the resolutions ahead in the agenda so that those present will have an opportunity to hear the debate.

Mr. Tony DiTrio, Belden Avenue, Principal, Kendall School said that a lot of funding was cut from the budget, but the bottom fell out and \$4 million is gone. He asked the Common Council to give the Board of Education \$4 million.

Ms. Missy Hofer, Greyhollow, teacher, talked about the Board of Education resolution. She said that she can't imagine sending her son to school in five years. She said that the school system is underfunded and she would rather see higher taxes and be able to sell her house in 20 years. She asked the Common Council to give the money to the Board of

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Education and the Superintendent.

Mr. Drew Todd, Friendly Road, PTO President said that there are good things going on at the schools. Calf Pasture is beautiful, but there won't be a future if people leave the City. He said that he is begging the Common Council to help the Board of Education and save teachers' jobs. He noted that Mayor Moccia is a big advocate for the schools.

Mr. Vinny Gracopra, Thistle Road said that he was not clear how the \$4 million deficit happened. He said that there had to be accountability from the top.

There were no other members of the public who wished to speak. The public participation session was closed at 9:19 p.m.

A recess was called at 9:19 p.m.

The meeting resumed at 9:27 p.m.

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were no resignations this evening.

APPOINTMENTS: There were no appointments this evening.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

APPOINTMENTS:

Mr. Hilliard announced the appointment of Galen Wells, to the Water Pollution Control Authority.

**** MR. WATTS MOVED TO SUSPEND THE RULES TO TAKE THE
AGENDA OUT OF ORDER AND MOVE THE RESOLUTIONS AHEAD
OF THE CONSENT CALENDAR**

Mr. Kimmel said that was an excellent idea.

**** MOTION PASSED UNANIMOUSLY**

VIII. RESOLUTIONS FROM COMMON COUNCIL

**** MR. MIKLAVE MOVED THE FOLLOWING RESOLUTION:**

1. A Resolution of the Norwalk Common Council sponsored by Council Members Matthew Miklave (District A), Bruce Kimmel (District D), John Ignieri (District E), Warren Pena (At Large) and Anna Duleep (at Large)

WHEREAS, in January 2012 the City of Norwalk received the “Norwalk Pedestrian and Bikeway Transportation Plan” (the “Transportation Plan”) from Fitzgerald and Holiday Inc.; and

WHEREAS, the Transportation Plan identified Calf Pasture Beach Road as a Tier 1 priority corridor based on one or more of the following, multiple pedestrian crashes, multiple bicycle crashes and no sidewalk on either side of a roadway within one-quarter mile of a school or transit center; and

WHEREAS, the Transportation Plan recommended ways in which to improve Calf Pasture Beach Road to promote and improve access to Norwalk’s beaches by way of biking and walking; and

WHEREAS, the Transportation Plan recommended, among other things, that the City of Norwalk consider a “Road Diet” plan for Calf Pasture Beach Road which would convert the four-lane road (there being two travel lanes in each direction) into a two-lane road (with one travel lane in each direction) with additional dedicated vehicle-free lanes for the use of walkers, runners, strollers, cyclists and school children at Marvin Elementary School; and

WHEREAS, establishing vehicle-free lanes along both sides of Calf Pasture Beach Road would improve the quality of life of Norwalk residents and visitors and create a safe space for walkers, runners, strollers, cyclists and school children at Marvin Elementary School; and

WHEREAS, establishing vehicle-free lanes along both sides of Calf Pasture Beach Road would not significantly cause traffic congestion because Gregory Boulevard, the two-lane street which carries most traffic on to or away from Calf Pasture Beach Road, does not currently experience any backup due to school or beach access; and

WHEREAS, converting Calf Pasture Beach Road into a two-lane road with dedicated vehicle-free lanes in both directions for a temporary period of

time during the summer months of July and August would permit the City of Norwalk to observe any traffic, pedestrian or other unforeseen issues created by following the recommendations of the Transportation Plan; and

WHEREAS, temporarily converting Calf Pasture Beach Road into a two-lane road with dedicated vehicle-free lanes in both directions would permit the City of Norwalk to reopen the lanes on the evening of the Fourth of July Fireworks Celebration, thereby eliminating any impediment to traffic egress from the beach following the fireworks;

NOW, therefore, be it resolved by the Common Council of the City of Norwalk that:

The Common Council calls on the City of Norwalk to temporarily convert Calf Pasture Beach Road from a four-lane road into a two-lane road and to establish a vehicle-free lane in both directions for the exclusive use of walkers, runners, strollers, cyclists and school children; and

The Common Council calls on the City to maintain these vehicle-free lanes during the months of July and August so that the City can assess the impact of this temporary conversion; and

The Common Council calls on the City to reestablish Calf Pasture Beach Road as a four-lane road on the evening of the Fourth of July Fireworks Celebration to permit egress from the parking areas abutting the beach; and

The Common Council calls on the City to formally report on the temporary conversion of Calf Pasture Beach Road in September 2012 so that further action to permanently convert Calf Pasture Beach Road may be considered.

Mr. Miklave thanked those responsible for bringing this item to the Common Council. He said that Mr. McCarthy conducted an excellent public hearing. He said that interesting points were brought up during the public hearing. He explained that the resolution being presented is a non-binding resolution. It is a proposal that the city takes a stand to put forward a simple concept. He said that something needs to be done to enhance the quality of life and safety.

Mr. Miklave said that the concept of test and learn is an excellent concept. He said that

there are those who oppose the concept and suggest a study. He said that there have been three different studies and each recommends a road study. He said that those who spoke against the proposed plan suggested other options that would cost money.

Mr. Miklave suggested doing the experiment during the summer months which will determine if it is a good idea. He said to have a vision and be demanding. He asked for support of the resolution.

Mr. Hempstead said that he along with most of the Common Council attended the public hearing. He said that having lived in that area for 25 years he understands the safety issues. He said that he is disappointed with some of the language in the resolution and said that both sides should work together. He said that he believes in bringing people together.

Mr. Hempstead said that this resolution is not binding and has no power. He said that the sidewalks in the area need to be addressed and fixed. He said that this is something the Common Council can handle. He said that he is in favor of road sharing. He said that he suggested conducting the testing before school lets out, but his colleagues rejected that.

**** MR. HEMPSTEAD MOVED TO TABLE THE ITEM**

Mr. Kimmel requested that Mr. Hempstead withdraw his motion out of respect for those residents who came out this evening.

**** MR. HEMPSTEAD WITHDREW HIS MOTION TO TABLE THE ITEM**

Mr. Kimmel said that he is familiar with that stretch of road and it is extremely dangerous. He said that at the public hearing it was not disputed that this stretch of road is like a drag strip. He said that some folks were concerned that the proposal would create congestion. He said that congestion may be needed to slow down the traffic.

Mr. Kimmel said that there is no debate over safety issues. It has to be addressed quickly. He said that he realizes that the resolution is non-binding, but it is a sense of the Council. It will not cost more than some paint and some time. He said that this is a simple solution that is being done across the world.

Mr. Kydes said that they are all concerned about safety throughout the City. He said that it is confusing and questions people who say that safety is an issue and are willing to put their children on the road that is at the same elevation as the cars on the road. He said that as a parent, he would not want his child to walk on that drag race road. He said that the talk about safety and the willingness to put a child on that road is puzzling.

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Mr. Kydes said that the issue is related to the sidewalks. He said that there is enough room on the Taylor Farm side of the road to build a sidewalk and handle the pedestrian activity. He said that it is not safe to put a child on the road that is shared with cars. He said that they need to develop a plan through the proper channels. He said that having foot traffic at the same elevation as cars is not safe.

Ms. Duleep said that she knows the resolution is non-binding, but they are here to listen to resident's concerns and take action. She said that she wants to see if they can show that they are committed to a healthier life style.

Mr. McCarthy thanked Mr. Miklave for recognizing the public hearing that he set up at Ms. Maggio's request. He said that the first time he saw the resolution was when it landed on his doorstep. He said that he feels that what started out as an honest effort to do the right thing turned into an us vs. them political issue. Mr. McCarthy said that he does not have a negative reaction to making changes to the road and said that he is recommitting himself so that the appropriate action can be made.

Mr. McCarthy said that he has concerns about rushing into a trial period that would have people walking in the road at the same elevation as the cars. He said that he did not think this was the appropriate way to get changes made to the road and said that he would support tabling the item back to the Public Works Committee and the Traffic Authority.

Mr. Pena thanked the members of the public for bringing this issue to their attention. He thanked Ms. Maggio for leading the charge and for asking Mr. McCarthy to hold a public hearing. He said that as a co-sponsor of the resolution he feels that it promotes progress toward better conditions on Calf Pasture Beach Road. He said that there have been studies and asked why there needs to be more. All of the studies suggest a road diet.

Mr. Pena said that he was born and raised in Norwalk and something needs to be done. He said that he is here to promote the road diet; it is forward thinking and progressive. The next step would be to send it to the Traffic Authority and lobby them.

Mr. Pena said that he wants to take action based on the concerns presented.

Mr. Geake said that he and his wife like to go to the Beach for ice cream. He said that when he drove down the road, the cars slowed down in back of the bicyclists. He said that he supports making the road safe. He said that the problem is that he does not see the difference in voting yes or tabling the item and sending it to the Traffic Authority and asking them to come up with an implementation plan. He said that he will vote to table the item because the resolution is non-binding. Mr. Geake noted that there is no

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room on the sidewalk for his motorized wheelchair.

Mr. Watts said that he was trying hard not to say something partisan. He said that the motion to table was a stalling action, and that is a shame. He said that the resolution has the power to speak out as a Common Council. Mr. Watts said that he wants to send a message to the people who contacted them. He said that either you can vote to make a change or vote in lockstep. He said that this is the kick the can down the road to the Traffic Authority. He said that he hoped there could be bi partisan support for the experiment and make a difference and stop lying to people and hiding behind the spin that you did not see the resolution. He suggested breaking away from the traditional lock step voting.

Ms. Maggio said that in response to Mr. Watt's comments, she has been working with an intelligent group of people on Beach Road safety and they did a great job. She told him that she takes offense that he thinks that she does not care about safety. She said that she ran for Common Council because she truly loves Norwalk and is frustrated about how political everything can be.

Ms. Maggio said that she will be voting in favor to table the item because one of the situations should be to test while school is in session. She said that she is in favor of test and learn, but July and August is not the time to do it.

Mr. Igneri said that he wanted to respond to Mr. Kydes' concern about safety and quoted from the Norwalk Pedestrian Transportation Plan. He said that according to the plan, the study said that it was safe to have a child on the road with cars. He said that there was nothing to lose and all to gain by running a temporary trial.

Mr. Miklave said that the resolution could be amended, but rather than making it better, there is a vote to kill it. He said that the resolution could be passed tonight.

Mayor Moccia said that the sidewalk repair has to come through Public Works. He said that they can get shared lane markings there. He said that he understands Dr. Libre's concern about safety and said that one fatality is one too many. He said that he is elected and a member of the Traffic Authority.

**** MR. HEMPSTEAD MOVED TO TABLE THE ITEM**

He said that he hoped the Public Works Committee will take up sidewalk safety.

**** MOTION PASSED BY ROLL CALL WITH NINE (9) IN FAVOR (MR. HILLIARD; MR. HEMPSTEAD; MR. BONDI; MS. ROMANO; MR. GEAKE; MR. KYDES; MS. MAGGIO; MR. PETRINI; MR. MCCARTHY)**

AND SIX (6) OPPOSED (MS. DULEEP; MR. PENA; MR. MIKLAVE; MR. WATTS; MR. KIMMEL; MR. IGNERI)

**** MR. PENA MOVED THE FOLLOWING RESOLUTION:**

2. A Resolution of the Norwalk Common Council sponsored by Council Members Warren Peña (At-Large), David Watts (District A), John Igneri (District E)

WHEREAS, the Common Council on February 28, 2012, approved of a maximum limit on the total appropriations for the City of Norwalk for the Fiscal Year beginning July 1, 2012 which shall be no more than \$286,182,707; and

WHEREAS, at the end of April 2012 the Board of Education (“BOE”) notified the City of Norwalk that it would run a deficit of approximately \$4 million in their 2011-2012 budget due to a shortfall in certain accounts. Of said shortfall, \$1.8 million is expected to be taken from the BOE budget of 2012-2013; and

WHEREAS, the Common Council Members above do not agree with the proposed payment arrangement offered to the BOE, as this unforeseen additional expense widens the gap of the approved BOE budget which was not taken into consideration by the Common Council in its deliberations for the 2012-2013 budget; and

WHEREAS, the Common Council still has not received any formal report in connection with a focused fact finding investigation to thoroughly explain: (1) where did the money go, (2) why the loss went uncovered for so long; (3) were all education expenditures approved by the BOE or under BOE established policies; (4) were funds spent as reported on staff which were not approved by the BOE and (5) how come the calculation for other post-employment benefits, or OPEB, was incorrect and not detected by BOE and City Officials earlier than April 2012; and

WHEREAS, the members of the Common Council referenced above support a full 4 Year deferral of any payment of the amount due and owing the City for any and all support that is provided in connection with covering the \$4 million shortfall in the BOE 2011-2012 budget.

NOW, therefore, be it resolved by the Common Council of the City of Norwalk that:

The Common Council calls on the City of Norwalk to provide the full \$4 million needed to cover the deficit and any payment of said assistance be paid at least four years from the date of said notification to the City of Norwalk of said shortage.

Mr. Pena spoke in support of the resolution. He said that the public needs to have detailed information about how this happened. There needs to be a mechanism to be sure this never happens again. He said that there was a mismanagement of funds at NEON and the leadership called for a forensic audit and that someone be fired. He said that for \$4 million he is not hearing that. He said that the City found a way to keep the Oak Hills Authority up and running by extending their re-payment plan.

Mr. Pena said that when it is part of someone's agenda the City finds a way to pay. He said that the 4-year pay back plan give the Board of Education time to get their fiscal house in order. The teachers and children did nothing wrong.

Mr. Pena said that he has heard for years that teachers spend their own money on their classrooms. He said that he would understand if the City did not have money, but there is money in the rainy day fund and in each department. He said that everyone has to make an investment in the children. Mr. Pena said that this is a crisis that can be fixed; the powers that be know how to fix it and the Common Council has been given the gift of high expectation.

Mayor Moccia said that the NEON situation is entirely different. What happened to the Board of Education was a mistake and does not border on criminal. He said that there are no slush funds.

Mr. Kydes said that the public and some Councilmembers have to understand that once the money is allocated to the Board of Education, the City has no say on how it is used. He said that it is not allowed under State Statute.

Mr. Kimmel commended those who put forth the resolution. He said that it was important to recognize that the City recently dipped into rainy day fund to finance the State mandated revaluation.

Mr. Kimmel said that in its present state, he will not support the resolution. He said that it is not wise to make a loan to a City department. He said that a loan is not a proper way to address the problem. He said that he is aware that forensic audits are extremely expensive and said that he does not feel one is needed. He noted that a regular audit will be conducted.

Mr. Hilliard said that for the last 9 – 10 years he has voted in favor of giving the Board of Education what they have asked for, but this is a different situation. He said that he can't support \$4 million. He said that it is feel good legislation. He said that there has to be bi partisan effort to help. The Board of Education needs to provide a bare bones budget amount and has to talk to the Finance Director. Mr. Hilliard said that there is not enough information to know what they can give the Board of Education.

Mr. Hilliard said that the Finance Claims Committee will meet on Thursday. He said that he supports conducting an independent audit. He said that people are asking where the money went. He said that it is very important to maintain a AAA bond rating. Mr. Hilliard said that it is premature to support this resolution.

Mr. Bondi said that in looking at the agenda, it shows that the Common Council is not opposed to giving money to the Board of Education. He noted that a teacher who spoke earlier said that he would be willing to not take a raise. Mr. Bondi said that all of the departments have not taken raises for the past few years, but the Board of Education has never not taken a raise. He said that it is their turn to help out with this situation. He said that he does not want to see teachers laid off.

Mr. Watts said that he supports the resolution. He said that a lot of people may lose their jobs. He said that he does not know why anyone would vote for people who will not protect their jobs. He said that the Union's job is to help people. He said that you can't point fingers at teachers. He said that they have to stand up for the children and teachers. Mr. Watts said that he tried to get this issue to the Finance Claims Committee but their caucus was shut down. He said that you either support children or you don't. He said that the City has money in the rainy day fund. There was a lot of media around NEON and they demanded that heads roll for \$400,000. He said that to cut teachers and aides is shameful and sends a message to home buyers.

Mr. Watts said that the City has the money and needs to step up to the plate and stand together to fund the solution to the big problem.

Mayor Moccia said that he wants to see how they can work together to solve this problem. He said that he has until June 30th to figure out a way to save jobs. He said that he is not blaming anyone. No matter whose fault, this is a crisis situation. Mayor Moccia said that he has asked the Union to freeze raises for one year.

Ms. Romano said that she was personally offended that any Councilmember would say that they do not care about our children. She said that they have the obligation to give them the best education possible, but the Common Council does not have authority over what the Board of Education does with their money.

Ms. Romano said that she is personally offended that anyone would say she doesn't care about children.

Ms. Duleep said that this resolution was introduced to address a situation that arose. She said that it is not a personal attack. It is a bi partisan effort.

Mr. Hempstead said that his wife is a teacher at Wolfpit School. He said that they need to know where the \$4 million went.

A recess was called at 11:15 p.m.

The meeting resumed at 11:24 p.m.

**** MR. HEMPSTEAD MOVED TO REFER THE RESOLUTION TO
THE FINANCE CLAIMS COMMITTEE**

Mr. Kimmel said that this resolution needs to be discussed before the Finance Director.

Mr. Miklave said that he has many questions and feels that the public has the right to demand as part of the rescue, that an independent audit be conducted to show where the money went. He said that he has offered to meet with anyone, anytime to do what is necessary to fund the Board of Education. He said that this is a crisis that requires all to come together to find a solution.

Mr. Kimmel said that it is not good policy for the Board of Education to take out a loan from the City. He said that he is not sure they have a plan on how to pay it back. Mr. Kimmel said that dipping into the rainy day fund will jeopardize the City's AAA rating. Mr. Kimmel said that it is premature to vote on this item and suggested waiting until Thursday's Finance Claims Committee meeting to hear what Mr. Hamilton has to say.

Mr. Kimmel suggested removing the following:

Of said shortfall, \$1.8 million is expected to be taken from the BOE budget of 2012-2013; and

WHEREAS, the Common Council still has not received any formal report in connection with a focused fact finding investigation to thoroughly explain: (1) where did the money go, (2) why the loss went uncovered for so long; (3) were all education expenditures approved by the BOE or under BOE established policies; (4) were funds spent as reported on staff which were not approved by the BOE and (5) how come the calculation for other post-employment benefits, or OPEB, was incorrect and not detected by BOE and City Officials earlier than April 2012; and

WHEREAS, the members of the Common Council referenced above support a full 4 Year deferral of any payment of the amount due and owing the City for any and all support that is provided in connection with covering the \$4 million shortfall in the BOE 2011-2012 budget.

Mr. Kimmel suggested adding the following:

NOW, therefore, be it resolved by the Common Council of the City of Norwalk that: *the City make a special appropriation to the Board of Education of \$1.8 million.*

Mr. Kimmel said that he is not sure of the numbers at this point. He said that his amendment will supplement the action of the Board of Estimate and Taxation.

Mr. Hilliard said that he could support the additional \$1.8 million in addition to the \$2.8 that the Board of Estimate and Taxation gave, but first has to confer with Mr. Hamilton.

Mr. Miklave said that the Board of Estimate and Taxation did not give the Board of Education anything. He said that he wants to put the Board of Education in the same place it was in February.

Mr. Kydes asked where they are putting the taxpayers. He said that this is all going to be on the taxpayer's back. He said that he did not like the way Mr. Miklave was throwing away his money. He suggested thinking about how to do this right at the Finance Claims Committee meeting on Thursday.

**** ROLL CALL VOTE ON THE AMENDMENT FAILED WITH THREE (3) IN FAVOR (MR. HILLIARD, MR. GEAKE, MR. KIMMEL) ONE (1) ABSTENTION (MS. DULEEP) AND ELEVEN (11) OPPOSED (MR. HEMPSTEAD, MR. BONDI, MR. PENA, MS. ROMANO, MR. MIKLAVE, MR. WATTS, MR. KYDES, MS. MAGGIO, MR. PETRINI, MR. IGNERI, MR. MCCARTHY)**

Mr. Miklave said that he was opposed to moving the resolution to the Finance Claims Committee because the Committee could kill the resolution.

Mr. Watts said that he also opposed to moving the resolution to the Finance Claims Committee. He said that it is time to make a stand and to stop kicking the can. He said that the resolution sends a message that they care about children. He said that when people buy homes, they look at crime and education. He said that not funding the Board of Education reduces the value of homes.

Mr. Watts said that mismanagement got them into this. An audit is needed to restore the public's trust. He said that he had zero success in bringing this to the Finance Claims Committee. He said that the one party rule is back. He said that the teachers and kids deserve more than they are getting.

**** MR. MIKLAVE MOVED TO ALLOW THE COMMON COUNCIL MEETING TO MEET PAST MIDNIGHT**

**** MOTION PASSED UNANIMOUSLY**

Mr. Watts said that he knows the resolution will die in Committee. He said that he cares about education.

Mr. Hilliard said that as Chair of the Finance Claims Committee he felt it was proper to see what the Board of Education was going to do before putting this on the agenda.

Mr. Kimmel said that he has served on the Common Council for several years and during that time was one of a few Democrats. He said that there were never personal attacks. He said that he has never seen anything like he has seen at some of the recent meetings. Mr. Kimmel said that there is too much negativity and said that going forward they need to treat each other with respect.

**** ROLL CALL VOTE ON THE MAIN MOTION PASSED WITH TEN (10) IN FAVOR (MR. HILLIARD, MR. HEMPSTEAD, MR. BONDI, MS. ROMANO, MR. GEAKE, MR. KYDES, MS. MAGGIO, MR. KIMMEL, MR. PETRINI, MR. MCCARTHY) AND FIVE (5) OPPOSED (MS. DULEEP, MR. PENA, MR. MIKLAVE, MR. WATTS, MR. IGNERI)**

A recess was called at 12:05 a.m.

The meeting resumed at 12:10 a.m.

CONSENT CALENDAR

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

VII.A1, VII.A2a., VII.A2b., VII.A3., VII.A4a., VII.A4b., VII.A5a., VII.A5b., VII.A6., VII.A7., VII.A8a., VII.A8b., VII.B., VII.C1., VII.C2., VII.C3., VII.C4., VII.C4a., VII.C4b., VII.C5a., VII.C5b., VIII.C6.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

- 1. Authorization to Settle Claim:
Philomena Gribosky v. City of Norwalk
EXECUTIVE SESSION**

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

2a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Sealcoating, Inc. for Project No. PM 2012-3, Crack Sealing at Various Locations, for a sum not to exceed \$263,150.00.

2b. Authorize the Director of Public Works to issue Orders on Contract to Sealcoating, Inc. for Project No. PM 2012-3, Proposed Crack Sealing at Various Locations, for a sum not to exceed \$26,315.00.

Account No. 0912 4021 5777 C0021

- 3. Authorize the Purchasing Agent to issue a Purchase Order to**

**Bigson, LLC dba Equipment Service for the purchase of ten (10)
Tailgate Pre-Wet Systems for a sum not to exceed \$56,420.00.**

Account No. 0912 4031 5777 C0313

5. Technical correction:

a. As approved by Council on May 8, 2012:

Authorize the Purchasing Agent to issue a Purchase Order to Bobcat Company, 250 East Beaton Drive, P.O. Box 6000, West Fargo, ND 58078-6000 for the purchase of a 2012 S650 Bobcat Skid-Steer Loader as specified in Quotation Number 8131E08562, for a sum not to exceed \$53,705.78 (Connecticut State Contract No. 08PSX0121 - state bid list).

Account No. 0912 4031 5777 C0313

b. Technical correction for approval:

Authorize the Purchasing Agent to issue a Purchase Order to Clark Equipment Company dba Bobcat Company, 250 East Beaton Drive, P.O. Box 6000, West Fargo, ND 58078-6000 for the purchase of a 2012 S650 Bobcat Skid-Steer Loader as specified in Quotation Number 8131E08562 for a sum not to exceed \$53,705.78 (Connecticut State Contract No. 08PSX0121 - state bid list).

Account No. 0912 4031 5777 C0313

6. Authorize the Mayor, Richard A. Moccia, to execute the Pole Attachment Agreement for Municipal Attachments between the Southern New England Telephone Company dba AT&T Connecticut and the City of Norwalk, Connecticut.

7. Authorize the Purchasing Agent to issue a Purchase Order to C. N. Wood of CT, LLC for the purchase of a 2012 Elgin Pelican Street Sweeper for a sum not to exceed \$140,942.00.

Account No. 0912 4031 5777 C0313

- 8a. **Authorize the Mayor, Richard A. Moccia, to execute an Agreement with X-Pert General Services, LLC for Project #3174 Fiber Optic Cabling for a sum not to exceed \$27,928.00.**
- 8b. **Authorize the Director of Public Works to issue Orders on Contract to X-Pert General Services, LLC for Project #3174 Fiber Optic Cabling for a sum not to exceed \$2,793.00.**

Account No. 014031 5343

**B. RECREATION, PARKS & CULTURAL AFFAIRS
COMMITTEE**

Technical correction:

RESCIND Action VII.B.7 of January 24, 2012, which states the following:

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 \$80,150.00. Said services 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 #0902910-577-C0241

APPROVE the following:

Authorize the Mayor, Richard A. Moccia, to execute an Agreement with BSC Group, Inc. for construction phase services in connection with the Oyster Shell Park, Phase I. Project for a total not to exceed \$80,150.00. Such services will include Landscape Architect/Civil Engineering, Structural, Geotechnical and Electrical consulting services and submission of closure report.

Account #0902910-577-C0241

**C. LAND, USE AND BUILDING MANAGEMENT
COMMITTEE**

- 1. Authorize the Purchasing Agent to issue a Purchase Order to Hewlett Packard for the purchase of 620 HP PC Workstations for Board of Education for a total not to exceed \$367,387.20. Acct #0911/12- 5010-C0112.**

- 2. Approve the following resolution to confirm availability of City of Norwalk, Capital Budget funds for the Naramake Elementary School Improvement Project, State Project No. TMP-103-WNWM:**

RESOLVED that:

WHEREAS, as part of the Fiscal Year 2003-2004 Norwalk Capital Budget, the City of Norwalk allocated \$70,000,000 Capital Budget Funds for a long range Norwalk Public School improvements program which included Naramake Elementary School;

WHEREAS, from the balance in the \$70,000,000 account, the amount of \$3,145,856 has been transferred into Capital Budget account #09045010 5777 B0321 and is available as City/Local Share for the Naramake Elementary School Improvement Project.

THEREFORE, the total available City/Local Share for Naramake Elementary School Improvement Project is \$3,145,856.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NORWALK, CONNECTICUT THIS _____ DAY OF _____, 2012.

- 3. Approve the following resolution to confirm availability of City of Norwalk, Capital Budget funds for the Rowayton Elementary School Improvement Project, State Project No. TMP-103-CHVJ:**

RESOLVED that:

WHEREAS, as part of the Fiscal Year 2003-2004 Norwalk Capital Budget, the City of Norwalk allocated \$70,000,000 Capital Budget Funds for a long range Norwalk Public School improvements

program which included Rowayton Elementary School;

WHEREAS, from the balance in the \$70,000,000 account, the amount of \$4,115,398.85 has been transferred into Capital Budget account #09045010 5777 B0322 and is available as City/Local Share for the Rowayton Elementary School Improvement Project;

WHEREAS, on April 10, 2012, the Norwalk Common Council adopted the City's 2012-2013 Capital Budget which included an allocation of \$1,733,000.00 for the City/Local Share for Rowayton Elementary School Improvement Project, and

THEREFORE, the total available City/Local Share for Rowayton Elementary School Improvement Project is \$5,848,398.85.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NORWALK, CONNECTICUT THIS _____ DAY OF _____, 2012."

- 4a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Rizzo Corporation for the Rowayton School Improvement Project for site work and relocation of portable classrooms for a total not to exceed \$298,800. Acct. #09045010 5777 B0291**
- 4b. Authorize the NFCC to issue Change Orders on Contract for a total not to exceed \$29,880.**
- 5a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Modular Space Corporation for the Rowayton School Improvement Project for the relocation of the leased portable classrooms for a total not to exceed \$79,523. Acct. #09045010 5777 B0291**
- 5b. Authorize the NFCC to issue Change Orders on Contract for a total not to exceed \$7,952.**
- 6. Authorize the Purchasing Agent to issue a Purchase Order to Linlee Design LLC for furniture design services (FF&E) for the new Fire Headquarters building for a total not to exceed \$9,800.00.**

Acct. #090123110-5777-C0466

**** MOTION PASSED UNANIMOUSLY**

COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

**** MR. MCCARTHY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH RBA GROUP OF CONNECTICUT, LLC FOR PROFESSIONAL ENGINEERING FOR ON-CALL TRAFFIC ENGINEERING SERVICES FOR A SUM NOT TO EXCEED \$15,000.00.**

ACCOUNT NO. 0901 4021 5777 C0232

**** MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. BONDI)**

**** MR. MCCARTHY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH DEERING CONSTRUCTION, INC. FOR PROJECT DRG 2011-2 DRAINAGE IMPROVEMENT PROJECT ON WEST MAIN STREET & SUMMER STREET FOR A SUM NOT TO EXCEED \$479,907.00.**

AND TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO DEERING CONSTRUCTION, INC. FOR PROJECT DRG 2011-2 DRAINAGE IMPROVEMENT PROJECT ON WEST MAIN STREET & SUMMER STREET FOR A SUM NOT TO EXCEED \$47,991.00.

**ACCOUNT NO. 0911 4027 5777 C0483
0912 4027 5777 C0302**

**** MOTION PASSED WITH TWO (2) VOTES IN OPPOSITION (MR. HEMPSTEAD AND MR. MIKLAVE)**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to a specific date.

**COMMON COUNCIL
NORWALK, CONNECTICUT
CHAMBERS**

**JUNE 12, 2012
8:00 P.M. EST. COUNCIL**

X. SUSPENSION OF RULES

Motions were made previously to suspend the rules to take the agenda out of order and to allow the meeting to go past 12:00 a.m.

XI. ADJOURNMENT

**** MR. KYDES MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at **12:20** a.m.

ATTEST: _____

Erin Halsey, City Clerk