

COMMON COUNCIL **NOVEMBER 13, 2012**
NORWALK, CONNECTICUT 8:00 P.M. EST. COUNCIL CHAMBERS

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

Mayor Moccia called the meeting to order at 8:00 p.m. and led the Assembly in reciting the Pledge of 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: October 23, 2012

**** MS. ROMANO MOVED TO ACCEPT THE MINUTES**

The following corrections were made to the minutes of October 23, 2012:

Page 10: add Ms. Romano to the roll call vote.

**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. MIKLAVE)**

II. PUBLIC PARTICIPATION

Mr. Art Scialabba, Acacia Street, Chair Republican Town Committee spoke against the two resolutions put forth by the Democratic members of the Common Council. He said that they want the citizens to believe that there is an abuse of power by the Mayor, Police Chief and the Police Commission. He said that it is a political game over a non-issue.

Ms. Andrea Light, Greenwood Place, spoke against the second and third resolution. She explained that she was up against the glass ceiling in the 1970's and feels that their use of that term in the resolution is not a good use of the tem.

Mr. William Dunne, Devils Garden Road, said that the City Charter delegates Police matters to the Police Commission, not the Common Council. He said that some people have suggested that there are ethnic or racial issues at play.

Mr. Matt Miklave approached the podium. Mayor Moccia said that they had an issue about a Common Council member speaking and that it is not right. Mr. Watts said that Mr. Miklave is a member of the public. Mayor Moccia explained that a member of the Common Council speaking to their own group is ineffective and duplicitous. Mr. Miklave asked Mayor Moccia if that was his ruling. Mayor Moccia told Mr. Miklave that he was setting a precedent and that he had three minutes to speak.

Mr. Matt Miklave, Highview Avenue, spoke as a citizen of Norwalk. He said that he stands at the people's podium. He said that he was there because he reflected upon his service on the Common Council. He said that in 2007 when Mr. Hempstead and Mr. McQuaid were the only Republicans on the Common Council, Mr. McQuaid told him that the Democrats never silenced them.

Mr. Miklave said that he was here in support of the resolution and to have a public debate. He said that he feels this body should debate the issues before the City. He said that he believes he will be outvoted, but feels regret that this Common Council is afraid of debate. He said that debates matter.

Mr. Bryan Meeke, Cranbury Woods, Chair of the Norwalk Parking Authority said that as a citizen and taxpayer, it is not productive for the Common Council to grandstand on matters that are outside of their purview. He suggested if people were not happy with the City Charter to direct their energy there.

Mr. Peter Torrano, Dry Hill Road, former Common Councilmember, former Police Captain, and Police Commissioner read a letter submitted by Mr. O'Connor, chair of the Police Commission against the two resolutions.

After reading the letter, Mr. Torrano had his own remarks. He asked if the Common Council members had read the entire study before making their decision. He said that they have to lay aside the assumption that this is for public safety. He said that as a former Police Captain, he sat at a desk and did not solve crimes that way. He said that crime is eliminated by the Police on the street. Mr. Torrano said that this is a charade.

Ms. Carol Androli, Sachem Road, Fire Commissioner urged the members of the Common Council to allow the people with the proper authority to make the decisions. She urged them to listen to the Police chief and support the Police Commission. She urged them to take care of Common Council business and not politicize the fine Police

department.

Mr. David Watts, June Avenue said that he would never push any proposal that was based on race. He said that they are pushing the Captain position because it is the right thing to do.

Ms. Deborah Goldstein, Osborne Avenue spoke in support of the second and third resolution. She said that it was suggested that this is not the appropriate venue because the Police Commission supports Police decisions. She said that she is offended by those remarks. She said that they have to speak for the concerns of the citizens. She said that over the last two years, she has attended many meetings and it seems that studies are chosen that meet a specific point of view.

Ms. Goldstein said that she is offended that it was said that Captains do not contribute to solving crimes; she said that they are every bit as important to solving crimes as the officers on the street.

Mr. Vinny Mangicoppa, Thistle Road said that crime is a problem here in Norwalk. This is the only forum to discuss it. He said that people are dying in the City and crime is a huge problem and it is time to discuss that.

Mr. Chris Mazza, Lockwood Lane spoke in support of the Mayor's position to keep the Police Commission's recommendation. He said that adding layers of bureaucracy will not add any safety to the streets of Norwalk.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

There were no resignations this evening.

APPOINTMENTS:

There were no appointments this evening.

REAPPOINTMENTS:

There were no reappointments this evening.

MAYOR'S REMARKS:

Mayor Moccia thanked Chief McCarthy, Deputy Chief Wrinn, Michelle DeLucca, Tad

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Diesel, DPW, the Board of Education's Food Service and Rowayton's Chief Carlson for their assistance during Hurricane Sandy. He said that the issues with CL&P were worked out. He said that he believes that the residents of Norwalk appreciated the updates. He extended his thanks to the people of Norwalk who helped others and to the department heads.

Mayor Moccia said that the devastation in some areas was beyond belief. He thanked Mr. Diesel for his updates and Mr. Hilliard.

Mayor Moccia congratulated all State officials who were reelected and to the President. He said that they have to stop being Democrats and Republicans and be people. He said that he never remembers the Common Council trying to take power from the Police Commission.

Ms. Duleep wished everyone a Happy Dewali, the Festival of Lights. She explained that this is a holiday that celebrates the triumph of good over evil. It is also the traditional start of the new fiscal year in India. Mayor Moccia also wished everyone a Happy Thanksgiving.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Mr. Hilliard said that he was impressed at the briefings during Hurricane Sandy. He said that the department heads worked together and gave 120%. He said that they did the best job and the Mayor was great.

B. CONSENT CALENDAR

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

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH RESOURCE MANAGEMENT ASSOCIATES OF CT, INC., TO CONDUCT POLICE PROMOTIONAL TESTING FOR THE RANK OF SERGEANT AND LIEUTENANT, FOR A SUM NOT TO EXCEED \$ 24,000, FROM ACCOUNT #013040-5258

B. LAND, USE AND BUILDING MANAGEMENT COMMITTEE

1A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH MAIN ENTERPRISES, INC. FOR THE REPLACEMENT OF THE BASEMENT AIR HANDLER UNIT AND OTHER MECHANICAL EQUIPMENT AT LOCKWOOD HOUSE FOR A TOTAL NOT TO EXCEED \$61,636.00.

ACCT. #0911/12/13-7100-5777-C0476

1B. AUTHORIZE THE OFFICE OF BUILDING MANAGEMENT TO ISSUE CHANGE ORDERS ON CONTRACT FOR A TOTAL NOT TO EXCEED \$6,163.00.

C. PUBLIC WORKS COMMITTEE

1. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO ELXSI, INC. OF CALIFORNIA FOR THE PURCHASE OF A PORTABLE SEWER PIPELINE CCTV VIDEO INSPECTION SYSTEM FOR A SUM NOT TO EXCEED \$93,770.00. THE COMMON COUNCIL DESIGNATES THIS AUTHORIZATION AS AN EMERGENCY PURSUANT TO SECTION 1-669(8) OF THE NORWALK CHARTER.

**ACCOUNT NO. 0912 4031 5777 CO313 (PUBLIC WORKS - \$46,885.00)
0911 4062 5777 CO361 (WPCA - \$46,885.00)**

2. APPROVE THE REVISION OF THE SOLID WASTE DISPOSAL (TIPPING) FEE AT THE NORWALK TRANSFER STATION TO \$85.00 PER TON EFFECTIVE JANUARY 1, 2013.

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE THE “FEMA MODEL STATEMENT OF ASSURANCES FOR PROPERTY ACQUISITION PROJECTS” IN CONNECTION WITH THE KEELER BROOK STORM WATER IMPROVEMENTS PROJECT.

4A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH FGB CONSTRUCTION, INC. FOR STATE PROJECT #102-329 SAFE ROUTES TO SCHOOL STRAWBERRY HILL AVENUE FOR A SUM NOT TO EXCEED \$ 598,461.72.

4B. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE AN ORDER ON CONTRACT TO FGB CONSTRUCTION, INC. FOR STATE PROJECT #102-329 SAFE ROUTES TO SCHOOL STRAWBERRY HILL AVENUE FOR A SUM NOT TO EXCEED \$ 59,846.17.

**ACCOUNT NO. CTDOT/FHWA GRANT (\$326,000)
0909/12 4021 5777 C0441 (\$197,625)
0910 4021 5777 C0232 (\$134,682.89)**

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE NORWALK HOSPITAL FOUNDATION FOR THEIR ANNUAL WHITTINGHAM CANCER CENTER “WALK & SALLY’S RUN” TO BE HELD AT CALF PASTURE BEACH ON SATURDAY, MAY 4, 2013 FROM 8:00 AM – 2:00 PM. ESTIMATED ATTENDANCE 2,000.

B. APPROVE THE USE OF THE SHOW MOBILE BY THE NORWALK HOSPITAL FOUNDATION FOR THEIR ANNUAL WHITTINGHAM CANCER CENTER “WALK & SALLY’S RUN” TO BE HELD AT CALF PASTURE BEACH ON SATURDAY, MAY 4, 2013.

2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER AN AGREEMENT WITH THE GREENWICH KENNEL CLUB, INC. FOR THE 81ST GREENWICH KENNEL CLUB AKC DOG SHOW, OBEDIENCE AND RALLY TRIALS TO BE HELD AT TAYLOR FARM ON SATURDAY, JUNE 8, 2013 FROM 8:30 AM – 6:30 PM. SET-UP THURSDAY, JUNE 6, 2013 AFTER 12:00 NOON WITH TEAR DOWN NO LATER THAN 5:00 PM SUNDAY, JUNE 9, 2013. ESTIMATED ATTENDANCE 1,000+.

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH “CLICK IT FOR CASSIE” FOR THEIR ANNUAL EVENT TO BE HELD ON SATURDAY, JUNE 8, 2013 FROM 7:30 AM – 7:30 PM WITH A RAIN DATE OF SUNDAY, JUNE 9, 2013 TO BE HELD AT CALF PASTURE BEACH. ESTIMATED ATTENDANCE 250.

4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE ALZHEIMER’S ASSOCIATION, CT CHAPTER FOR THEIR ANNUAL “WALK TO END ALZHEIMER’S” TO BE HELD AT CALF PASTURE BEACH ON SUNDAY, SEPTEMBER 29, 2013 FROM 6:00 AM – 2:00 PM. ESTIMATED ATTENDANCE 1,000+.

**** MOTION PASSED UNANIMOUSLY**

VIII. RESOLUTIONS FROM COMMON COUNCIL

Item: #1 - A Resolution of the Norwalk Common Council

Submitted by Council Minority Leader Anna Duleep (At-Large), Council Member Joanne Romano (At-Large), Council Majority Leader Doug Hempstead (At-Large),

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Council Member Warren Pena (At-Large), Council Member Bruce Kimmel (District D), Council Member John Igeneri (District E); Council Member Dave McCarthy (District E) and Council Member Nicholas Kydes (District C)

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

Whereas, Connecticut state law requires redistricting of state legislative districts by the Connecticut General Assembly every ten years; and **Whereas**, the Registrars of Voters held a public hearing on January 23, 2012 to receive input concerning changes to voter districts and polling sites for federal and state elections; and **Whereas**, on January 24, 2012, the Norwalk Common Council voted unanimously to approve the following item:

C. ORDINANCE COMMITTEE

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

(Subject to Ordinance Committee action after a public hearing on January 23, 2012.); and

Whereas, the 2012 redistricting and subsequent changes to polling sites approved by the Common Council required thousands of Norwalk voters to report to a new location to vote in the 2012 primaries and general election; and

Whereas, the Norwalk Registrars of Voters mailed postcards informing voters of their new polling site locations prior to the Democratic and Republican primaries held on August 14, 2012; and

Whereas, during the Presidential election held on November 6, 2012, a significant number of Norwalk voters did not realize that their polling site location had changed until after those voters had already waited in line at their previous polling site locations; and

Whereas, the Norwalk Common Council remains committed to supporting the efforts of the Norwalk Registrars of Voters as they strive to communicate with Norwalk voters and respond to constructive feedback.

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

The Common Council will sponsor a forum with the Norwalk Registrars of Voters and members of the public to solicit advice and feedback concerning how the City of Norwalk can minimize inconvenience to voters following redistricting

of state legislative districts.

Ms. Duleep explained the Resolution and said that the goal is to schedule a forum for one stop shopping for their constituents. Mr. Kydes was added as a co-sponsor.

Mr. Bondi thanked Ms. Duleep for presenting the Resolution. He noted that residents can go on line to find out where they are supposed to vote, or they can call the Registrar's office.

Ms. Romano said that she agreed to sponsor this because the redistricting was confusing for everyone and there were a lot of problems at the polls. She said that they have to find a way to make it easier for people to vote.

Adopted by the Common Council of the City of Norwalk on November 13, 2012.

**** MOTION PASSED UNANIMOUSLY**

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

Item: #2 - MOTION TO TAKE THE FOLLOWING ITEM FROM THE TABLE (TABLED WITHOUT DATE ON OCTOBER 9, 2012):

A Resolution of the Norwalk Common Council

Sponsored by Council Members Warren A. Peña (At-Large), David Watts (District A), Matt Miklave (District A), John Igneri (District E), Anna Duleep (At-Large)

Whereas, in 1994, the International Association of Chiefs of Police (IACP), conducted an extensive review of the operations of the Norwalk Police Department (NPD); and in May 1995 issued the report entitled "A Study of the Management, Organization and Resource Requirements of the Norwalk Police Department", and in March 2007 the Board of Police Commissioners engaged the IACP to revisit the 1995 report specifically to review recommendations relating to organization of the command structure; and

Whereas, the IACP study recommends to eliminate one level of command (Captain Rank) and the position of Deputy Chief, and effectively ending a career at the Lieutenant rank, and where the City of Norwalk has ignored this study and has promoted both Captains and Deputy Chiefs since 1996; and

Whereas, eliminating Captains would result in an excessive (12 – 1) span of management control (to the Deputy Chief) which hampers the NPD’s ability to promote public safety, and to have efficient and effective direction, coordination and oversight; and creates glass ceiling; and

Whereas, expanding the span of control of the police force would provide more superior officers to focus on investigations, street patrols, detective work and administration; and open a career path to reward loyal and dedicated public servants, promote management succession and build management infrastructure to respond to critical situations; and

Whereas, an inquiry with the Connecticut Conference of Municipalities (CCM) on September 28, 2012 states “The following is in response to your request for information regarding municipalities that have adopted the IACP study and rid their police department of captains and deputy chiefs in favor of commanders. CCM is currently unaware of any municipalities that have adopted this practice. Police departments in areas such as Chicago, San Francisco, Los Angeles and the Metropolitan Police District have created commander positions. However, those municipalities still have captains and deputy or assistant chiefs.”

Whereas, the Common Council supports the rank of Captain in the NPD, to effectively manage span of control at 9 – 1 or 6 – 1 (rank and file officers for every superior officer), and take action on a promotional list due to expire November 2012 to make Captains, and to open the process for other qualified candidates to the rank of Captain; and

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

The Common Council calls on the City of Norwalk and the Board of Police Commissioners to overturn the Captains ban and to begin promoting Captains.

Adopted by the Common Council of the City of Norwalk on October 9, 2012.

**** MOTION FAILED BY ROLL CALL WITH FIVE (5) VOTES IN FAVOR (MS. DULEEP; MR. PENA; MR. MIKLAVE; MR. WATTS; MR. IGNERI) AND TEN (10) VOTES IN OPPOSITION (MR. HILLIARD; MR. HEMPSTEAD; MR. BONDI; MS. ROMANO; MR. GEAKE; MR. KYDES; MS. MAGGIO; MR. KIMMEL; MR. PETRINI; MR. MCCARTHY)**

Item: #3 - A Resolution of the Norwalk Common Council

Sponsored by Council Members Warren A. Peña (At-Large), David Watts (District A), Matt Miklave (District A), John Ignéri (District E), Anna Duleep (At-Large)

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

Whereas, the deadline for those currently eligible to receive promotion to Captain expires on or around November 17, 2012; and

Whereas, the Mayor and Chief of Police have indicated a desire to eliminate the Captain rank from the Norwalk Police Department hierarchy; and

Whereas, promising candidates may have declined opportunities to take the qualifying exam for promotion to Captain in reliance on a belief that the Captain rank would soon be eliminated in Norwalk; and

Whereas, in 1994, the International Association of Chiefs of Police (IACP), conducted an extensive review of the operations of the Norwalk Police Department (NPD); and in May 1995 issued the report entitled “A Study of the Management, Organization and Resource Requirements of the Norwalk Police Department”, and in March 2007 the Board of Police Commissioners engaged the IACP to revisit the 1995 report specifically to review recommendations relating to organization of the command structure; and

Whereas, the IACP study recommends to eliminate one level of command (Captain Rank) and the position of Deputy Chief, and effectively ending a career at the Lieutenant rank, and where the City of Norwalk has ignored this study and has promoted both Captains and Deputy Chiefs since 1996; and

Whereas, eliminating Captains would result in an excessive (12 – 1) span of management control (to the Deputy Chief) which hampers the NPD’s ability to promote public safety, and to have efficient and effective direction, coordination and oversight; creates glass ceiling; and

Whereas, expanding the span of control of the police force would provide more superior officers to focus on investigations, street patrols, detective work and administration; and open a career path to reward loyal and dedicated public servants, promote management succession and build management infrastructure to respond to critical situations; and

Whereas, the inquiry with the Connecticut Conference of Municipalities (CCM) on September 28, 2012 states

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Whereas, the Common Council supports the rank of Captain in the NPD, to effectively manage the span of control at 9 – 1 or 6 – 1 (rank and file officers for every superior officer), and take action on a promotional list due to expire November 2012 to make Captains, and to open the process for other qualified candidates to the rank of Captain; and

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Adopted by the Common Council of the City of Norwalk on November 13, 2012.

Mr. Pena said that this is about power and control. He said that the Common Council has the opportunity to debate and discuss any issue that affects the City. He said that anything that has to do with the City is their business and they can speak about what the Police Commission does.

Mr. Pena said that there are a lot of folks on the Police force who want and need the Captain position. He said that there is a selective group of folks that came out against that and are a part of Mayor Moccia’s club and were appointed to those positions.

Mr. Pena said that there is no other City in the country that has done away with the Captain’s position. He said that it is about power and control and that is dangerous.

Mayor Moccia said that he would recognize Mr. McCarthy and added that his club is open to all.

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

**** MOTION PASSED BY ROLL CALL VOTE 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) VOTES IN OPPOSITION (MS. DULEEP; MR. PENA; MR. MIKLAVE; MR. WATTS; MR. IGNERI)**

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

There was no further business and the meeting was unanimously adjourned at 8:55 p.m.

ATTEST: _____
Erin Halsey, City Clerk