

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JANUARY 22, 2013
REGULAR MEETING MINUTES**

PUBLIC PARTICIPATION

Mayor Moccia stated that there were no names signed up to speak, asked if there was any member of the public who wished to comment, and hearing none, closed the participation portion of the meeting.

MAYOR

RESIGNATIONS AND APPOINTMENTS

REAPPOINTMENT: Lisa M. Cooper, Redevelopment Agency

Mr. Hilliard stated that he has known Ms. Cooper as a good, quality person, pleasant, involved with the City and has displayed dedication of the city and he is pleased to recommend her for reappointment. Ms. Mann seconded the reappointment, and Mayor Moccia echoed the comments as Ms. Cooper is diligent, shows up on a consistent basis and he thanked her for her willingness to continue to serve.

**** MR. HILLIARD MOVED TO APPROVE THE REAPPOINTMENT OF
LISA M. COOPER TO THE REDEVELOPMENT AGENCY, WITH A TERM TO
EXPIRE NOVEMBER 1, 2017.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mayor Remarks:

Mayor Moccia stated that he had attended the Presidential Inauguration and the Conference of Mayors in Washington DC. He reported that there were many presentations on gun control with Vice President Biden's committee including members from Virginia Tech and others in response to the CT tragedy at Sandy Hook. He reported that there is much NRA debate and many issues were raised including responsibility by the entertainment industry over violence in video games and R-rated movies due to violence, and changes that need to be made nationally. He reported that there is a hold on the \$4 million for programs of which \$150,000 is designated for additional School Resource Officers, Guidance Counselors and improved school safety.

He added that the City recently held a press conference on the City's School Safety Plan and all schools have been evaluated on their safety measures and there are improvements being recommended. He thanked all members of the City's Emergency Management and Preparedness Team with their efforts to keep the schools safe and the children secure.

COUNCIL PRESIDENT

GENERAL COUNCIL BUSINESS:

Mr. Hempstead thanked those who attended the Martin Luther King ceremonies and events of yesterday and noted that they were very powerful speakers and meaningful programs.

Mr. Hempstead made the following announcements on upcoming meetings and events:

City of Norwalk
Common Council Meeting
January 22, 2013
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There will be special meeting with the BOE and Finance Department on the Board of Ed budget on January 28 at 7:00 p.m.

There will be a presentation from the Chairman of the Board of Ethics, Attorney Fitzgerald on January 30 at 7:00 p.m.

Ms. Duleep has coordinated a meeting on January 29 on "Connecticut Against Gun Violence" in support of safety legislation, with Dr. David Bernstein, a school threat assessment expert and Forensic Consultant will be the keynote speaker at the forum.

CONSENT CALENDAR

- ** MR. HEMPSTEAD MOVED THE FOLLOWING ITEMS FOR CONSENT:
VI. A2, VII. A2, A3, A4, A5, A6; C 2, C3, C4A, 4B; C5A, 5B, C6, C7, C8, C9
** MOTION TO APPROVE THE CONSENT CALENDAR WAS UNANIMOUS.**

The following items in bold are approved on the Consent Calendar:

**VII. COMMON COUNCIL COMMITTEES
A. FINANCE/CLAIMS COMMITTEE**

2. FISCAL YEAR 2012-13:

RESOLVED, that a sum not to exceed \$128,146 be and the same is hereby transferred from Contingency to the Recreation and Parks Department to cover current and projected deficits due to additional Security Personnel at the Parks. (Account C) 1-6010- 5296).

B. FINANCE/CLAIMS COMMITTEE

2. For informational purposes only: Monthly Tax Collector's Report Dated: December 31, 2012.

3. For informational purposes only: Narrative on Tax Collections Dated: January 10, 2013.

4. Authorize the Purchasing Agent to issue purchase orders to The Business Network Group for two Dell Servers with five year warranties and vSphere software and support for an amount not to exceed \$23,639.12. Account 09100600-5777-C0375 (budgeted IT capital expense, no special appropriation required).

5. Authorize the Purchasing Agent to issue purchase orders to Kaseya US Sales, LLC for Kaseya Systems Management Software for an amount not to exceed \$29,299.60. Account 09080600-5777-C0375 (Budgeted IT capital project, no special appropriation required).

6. Authorize the Mayor, Richard A. Moccia, to execute a tax abatement agreement with Elmcrest Terrace Limited Partnership for property located at 4 Elmcrest Terrace, Norwalk, CT, subject to the approval of Corporation Counsel for language and terms.

Consent Calendar – continued

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

2. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Round Hill Highland Games for the use of Cranbury Park for the Highland Games to be held Saturday, July 6, 2013 from 9:00 AM – 6:00 PM. Set-up to take place Friday, July 5, 2013 at 9:00 AM with clean up no later than 12:00 Noon on Sunday, July 7, 2013. Estimated attendance 3,000.
3. Authorize the Mayor, Richard a. Moccia to enter into an agreement with the Marching Bears Inc. for the use of the Andrews Field Parking Lot for a Carnival Fundraiser to be held Thursday, June 13, 2013 through Saturday, June 15, 2013 from 6:00 PM – 9:00 PM. Set up to take place **Thursday, June 6, 2013** at 11:00 AM with break down no later than Monday, June 17, 2013. Rain Date Sunday, June 16, 2013. Estimated attendance 1,000.
4. A) Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Leukemia & Lymphoma Society for the use of Calf Pasture Beach for their “Light the Night Walk” to be held Friday, October 18, 2013 from 5:00 PM – 9:00 PM. Set up to take place at 9:00 AM on Friday, October 18, 2013 with tear down no later than 12:00 noon on Saturday, October 19, 2013. Estimated attendance 600.
 B) Approve the use of the Show Mobile by the Leukemia and Lymphoma Society on Friday, October 18, 2013 for their “Light the Night Walk” at Calf Pasture Beach.
5. A) Authorize the Mayor, Richard A. Moccia to enter into an agreement with Live Green Connecticut for their use of Taylor Farm for the Live Green Connecticut event to be held Saturday, September 14, 2013 through Sunday, September 15, 2013 from 10:00 AM – 5:00 PM. Set up to begin at 9:00 AM Friday, September 13, 2013 with tear down no later than 12:00 noon on Monday, September 16, 2013. Estimated attendance 1,000.
 B) Approve the use of the Show Mobile by Live Green Connecticut on Saturday, September 14, 2013 and Sunday, September 15, 2013 at Taylor Farm.
6. 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 10, 2013** from 6:00 PM – 10:00 PM and Saturday, **May 11, 2013** from 11:00 AM – 6:00 PM. Set up to take place at 10:00 AM on Thursday, May 9, 2013 with tear down no later than noon Sunday, May 12, 2013. Estimated attendance 500.
7. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Alcaide Inc., d/b/a/ A & J Construction for Project # PM2012-1 Pavement Management Program to increase the original not-to-exceed total sum (\$4,046,703.71) an additional \$97,207.00 for a new sum of \$4,143,910.71, due to repairs of storm damage, Sandy location, Calf Pasture Beach. Account to be determined.

Consent Calendar – continued

8. Authorize the Purchasing Agent to issue an open purchase order with Total Fence LLC for the Services of Chain Link Fencing and Wooden Guardrails supplied and installed for various locations for a total annual amount not to exceed \$75,000. Account

numbers to be determined. (A three-year contract renewable for two (2) additional one-year extensions.)

9. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Atlas Pyrovision Production, Inc. for (4th of July) Fireworks Display for 3 years with two 1 year extensions for a sum not to exceed \$42,500.00 per year. Account #016021-5298

A. BOARD OF ESTIMATE AND TAXATION

Accept and approve the Special Appropriation request of the Board of Estimate & Taxation:
Dated: December 3, 2012.

Mr. Hamilton came forward and asked the Council's indulgence to excuse the omission of two items on the agenda that were left off in error, and to permit them to be added. Mayor Moccia deferred to Corporation Counsel and Attorney Maslan noted that a suspension of the rules would be required.

**** MR. BONDI MOVED TO SUSPEND THE RULES TO ADD THE FOLLOWING ITEMS TO THE AGENDA:**

Special Appropriations - December 3, 2012 Board Of Estimate And Taxation - Advertised Item:
FISCAL YEAR 2012-13:

1. \$75,000 from Contingency to the Historical commission to cover the rent payments to the Norwalk Museum Partnership until 6/30/2013. (Account No.: 016300-5620).
2. \$750,000 from Fund Balance to various accounts for emergency response and debris removal expenses related to Hurricane Sandy.

**** MOTION PASSED UNANIMOUSLY.**

**** MR. HILLIARD MOVED TO ADOPT THE FOLLOWING RESOLUTION:
RESOLVED, THAT A SUM NOT TO EXCEED \$75,000 BE AND THE SAME IS
HEREBY TRANSFERRED FROM CONTINGENCY TO THE HISTORICAL
COMMISSION TO COVER THE RENT PAYMENTS TO THE NORWALK MUSEUM
PARTNERSHIP UNTIL 6/302013. (ACCOUNT NO.: 016300-5620).**

**** MOTION PASSED UNANIMOUSLY.**

2. \$750,000 from Fund Balance to various accounts for emergency response and debris removal expenses related to Hurricane Sandy.

Ms. Duleep asked about the list of expenses related to the Island Belle and overtime expenses for the Marine Unit to make this situation less dangerous for the docks and harbor.

Mr. Hamilton replied that he did not have the information and that Mr. Mocciae was more involved with this, but he would look into this and provide Ms. Duleep with the amounts.

Mayor Moccia deferred to Corporation Counsel, and Attorney Maslan explained that the Legal Department is preparing pursuance of claims for reimbursement by the owner's insurance company, but that those costs were a small portion of the \$725,000.

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Mr. Hamilton added that this transfer of \$725,000 from the city's rainy day fund is to pay for emergency response and debris removal related to Hurricane Sandy and is anticipated to have reimbursement from FEMA to cover the expenses and we are hopeful to see this by June 30. Mr. Kimmel asked about the FEMA process and if the reimbursement is faster than usual, and Mr. Hamilton replied that this he has heard that this has been the case.

**** MR. HILLIARD MOVED TO ADOPT THE FOLLOWING RESOLUTION:
RESOLVED, THAT A SUM NOT TO EXCEED \$725,000 BE AND OF THE SAME IS
HEREBY TRANSFERRED FROM FUND BALANCE TO VARIOUS ACCOUNTS
FOR EMERGENCY RESPONSE AND DEBRIS REMOVAL EXPENSES RELATED
TO HURRICANE SANDY. (ACCOUNT NO.: VARIOUS).**

**** MOTION PASSED UNANIMOUSLY.**

FISCAL YEAR 2011-12:

2. \$10,532 to be transferred from Increased Estimated Revenues to the Police Department to cover training expenses. Account #01-3042-5120.

Chief Kulhawik came forward and explained that the Connecticut Alliance to Benefit Law Enforcement, Inc. (CABLE) donated to the Norwalk Police department for the costs incurred for its officers to attend Crisis Intervention Training (CII). He added that the goal is helping the community and law enforcement resources together to address common issues related to mental health.

Mr. Kimmel noted that such programs are very beneficial to the City and he appreciates efforts made in this matter.

**** MR. HILLIARD MOVED TO ADOPT THE FOLLOWING RESOLUTION:
RESOLVED, THAT A SUM NOT TO EXCEED \$ 10,532 BE AND OF THE SAME IS
HEREBY TRANSFERRED FROM INCREASED ESTIMATED REVENUES TO THE
POLICE DEPARTMENT TO COVER TRAINING EXPENSES. ACCT #01-3042-51201.**

**** MOTION PASSED UNANIMOUSLY.**

Finance/Claims Committee

Accept and Approve the Report of the Claims Committee Dated: January 10, 2013.

Mr. Miklave stated that in order to avoid a potential conflict of impropriety, he recused himself from the item, left the Council Chambers at 8:35, and returned at 8:36 p.m.

**** MR. HILLIARD MOVED TO ACCEPT AND APPROVE THE REPORT OF THE
CLAIMS COMMITTEE DATED: JANUARY 10, 2013.
** MOTION PASSED UNANIMOUSLY.**

B. PUBLIC WORKS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute The Master Municipal Agreement for Construction Projects between the State of Connecticut and the City of Norwalk, with a ten year term, and any future related Project Authorization Letters issued by the Connecticut Department of transportation for individual construction projects.

Mr. Miklave stated that there was no contract included or listing of terms of the agreement. Mr. Alvord explained that Under the Master Municipal Agreement for Construction Projects (MMAC), as proposed by the state Department of Transportation, standard terms, conditions and contracting boiler-plate language would be in place for 10 years.

Mr. Kimmel stated that this was done to expedite the process and as a framework to avoid unnecessary paperwork and to allow projects to move forward faster. Mr. Alvord added that the funds are administered by the state and terms are always the same as part of the master agreement.

Ms. Duleep noted that there were no instructions for processing, and Mr. Alvord replied that DPW was never required to bring the documents back to the Council and the intention was to streamline the process. Ms. Duleep read from the supporting documents and noted that it is anticipated that once an MMAC is executed with your municipality, project specific information and monetary terms will be set forth in a Project Authorization Letter (PAL) issued by the Department to the municipality for individual construction projects in ConnDOT's Bureau of Engineering and Construction.

Mr. Alvord explained that PALs are expected to take only days to execute, as opposed to the numerous months currently required executing individual project agreement and with the MMAC, the council would then only be asked to approve the actual construction contract in order to streamline the process. He added that project/labor agreements and prevailing wages are addressed in all contracts.

Mr. Watts suggested that the best thing to do was to table it until there can be more of information available from ConnDOT outlining the MMAC process.

Mayor Moccia noted that the MMAC didn't require a monetary commitment and added that nobody is trying to hide anything, and to keep in mind this a non-monetary document. He acknowledged Mr. Watts request to table the item and noted that he wanted to allow Mr. Miklave to comment first.

Mr. Miklave stated that while he did not dispute the worth of master agreements, as they are much quicker and much better, he had questions about the details. He posed the questions as what does it specify with respect to project/labor agreements; what does it specify with respect to prevailing wages; and what does it specify with respect to local hiring preferences.

Mr. Hempstead stated that these comments are all very reasonable and asked that rather than table the item, a referral to committee is recommended, so that this can come back to the Council for approval at the next meeting.

**** MR. WATTS MOVED TO REFER THE ITEM BACK TO COMMITTEE.
** MOTION PASSED UNANIMOUSLY.**

2. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with CDM Smith, Inc. for Professional Engineering for the South Norwalk TOD Pilot Program for a sum not to exceed \$500,000.00 Account No. TBD State of CT Grant - \$486,000 Norwalk Redevelopment Agency Funding – \$14,000.

Mr. McCarthy moved the item for discussion. Mr. Alvord noted that this item was brought from the Redevelopment Agency as part of the affordable housing plan and the intention was to reduce the need motorized traffic.

Mr. Miklave asked about the cost and if this was for design and implementation, and if there would be public meetings. Mr. Alvord clarified that it as design only and funding could be DECD matching funds or developer funded. Mr. Hempstead added that it is part of the City's Connectivity plan and public engagement is part of the contract.

Mayor Moccia added that the goal is to rebuild neighborhoods and to have affordable housing where residents work.

**** MR. MCCARTHY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH CDM SMITH, INC. FOR PROFESSIONAL ENGINEERING FOR THE SOUTH NORWALK TOD PILOT PROGRAM FOR A SUM NOT TO EXCEED \$500,000.00**

ACCT NO. STATE OF CONNECTICUT GRANT - \$486,000

NORWALK REDEVELOPMENT AGENCY FUNDING – \$14,000.

**** MOTION PASSED UNANIMOUSLY.**

3. Authorize the Mayor, Richard A. Moccia, to execute an amendment to the agreement with Deering Construction, Inc. for Project No. DRG 2011-2, Drainage improvement on West Main Street and Summer Street, for a sum not to exceed \$110,000.00. Acct No. 0911 4021 5777 C0021.

Mr. McCarthy moved the item for discussion. Mr. Bondi asked if this work has already been done, and Mr. Alvord replied that yes it as done, but there were mitigating circumstances due to the Storm Sandy.

Mr. Alvord explained that A.J. Construction, the company that was the contracted vendor was unable to complete the job. He added that since Deering was there on a different portion of the job, they were in a position to complete the paving before the winter season which would avoid the bumps hazards for motorists on the road.

Mr. Kimmel asked if this was the most efficient decision to do the paving in a timely and cost effective manner, and Mr. Alvord replied yes.

Mr. Pena stated that things need to be done in a manner consistent with procedure, and we need to do a better job to avoid last minute additions to the Council agenda, and incomplete

information in the packets.

**** MR. MCCARTHY MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH DEERING CONSTRUCTION, INC. FOR PROJECT NO. DRG 2011-2, DRAINAGE IMPROVEMENT ON WEST MAIN STREET AND SUMMER STREET, FOR A SUM NOT TO EXCEED \$110,000.00. ACCT NO. 0911 4021 5777 C0021.**

**** MOTION PASSED WITH TWELVE VOTES IN FAVOR, ONE OPPOSED (BONDI) AND ONE ABSTENTION (PENA).**

C. RECREATION PARKS, CULTURAL AFFAIRS COMMITTEE

Authorize the Mayor, Richard A. Moccia to execute an amendment to the existing agreement with SoNo Equities LLC and 1122 Associates LLC, owner of SoNo Corporate Center for the use of a portion of the Park for a dumpster on occasion for an additional 5 years (November 1, 2012 – November 1, 2017). All remaining terms to be unchanged.

Mr. Petrini moved the item for discussion.

Mr. Miklave stated that the pages in the supporting documents were missing and a discussion ensued on the contract terms. Mr. Moccia came forward and explained the details of the location of the dumpster and the intention to provide a means for the tenant to dispose of office contents when necessary.

Mr. Petrini explained that as discussed in Committee, because of the location of the parking lot and the absence of a loading dock, the dumpster is used to clear out offices when tenants change. He added that it is located along the side of the building and is needed only about 1 day a month for about 24-48 hours.

Mr. Moccia noted that the tenant has been cooperative with the City's use of the sidewalk and building front as a stage for concerts and the tree lighting ceremony. Mayor Moccia added that SoNo Equities has been very accommodating for these type of events, and they have been good corporate partners with the City.

**** MR. PETRINI MOVED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT WITH SONO EQUITIES LLC AND 1122 ASSOCIATES LLC, OWNER OF SONO CORPORATE CENTER FOR THE USE OF A PORTION OF THE PARK FOR A DUMPSTER ON OCCASION FOR AN ADDITIONAL 5 YEARS (NOVEMBER 1, 2012 – NOVEMBER 1, 2017). ALL REMAINING TERMS TO BE UNCHANGED.**

**** MOTION PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL - As noted - Item VI. A1. A2.

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IX. MOTIONS POSTPONED TO A SPECIFIC DATE.

X. SUSPENSION OF RULES As noted – Item VI. A1.A2.

XI. ADJOURNMENT

** MR. MCCARTHY MOTIONED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services