

**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 and asked everyone to remain standing. Mayor Moccia called for a moment of silence in memory of Sarah Mann's father who passed away last week and offered a message of condolences to her family on behalf of the Council.

I. ROLL CALL

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

Council at Large:	Mr. Douglas Hempstead	Ms. Sarah Mann
	Anna Duleep	Warren Peña
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. Jerry Petrini	Mr. Bruce Kimmel
District E:	Mr. David McCarthy	Mr. John Igeneri

Mayor Richard A. Moccia; Attorney Robert Maslan Corporation Counsel;

Ms. Erin Halsey, City Clerk. Fourteen members were present. Absent: Mr. Bondi

II. ACCEPTANCE OF MINUTES

Regular meeting – January 22, 2013

Ms. Duleep requested a correction to page 3, paragraph one, sentence 4, after January 29 add “co-sponsored by”. Page 7 paragraph 4 under Public Works: delete “no”. In the next sentence replace “supporting documents” with “the instructions for processing.”

**** MR. KYDES MOVED TO APPROVE THE MINUTES FROM THE MEETING
OF JANUARY 22, 2013 AS AMENDED WITH CORRECTIONS NOTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Mayor Moccia stated the rules for public comment and asked those that had signed up to speak to state their name, affiliation and to keep comments civil in nature with no personal attacks and to be related to the agenda to a limit of three minutes.

Public Comments represent summarizations of comments made, unless otherwise noted.

1. Dr. David Levinson, President of Norwalk Community College spoke in support of the Washington Village Choice Neighborhoods plan and stated that it will transform South Norwalk. He gave a detailed explanation of the elements of the plan and that it represents a culmination of a task force and master plan that has been in development for over one year and has been the subject of many meetings and public information sessions. He stated that letters from members of the community had been submitted to the council regarding this plan from Mr. Larry Cross, CEO of the Norwalk Community Health Center in support of the Choice Neighborhoods plan and stated that it includes a wide array of primary care services such as the Open Door Shelter and behavior enhancement programs. He further explained that the modifications will transform the complex to reduce overcrowding providing enhanced eyes on the streets of South Norwalk. He gave a detailed explanation of the elements of the plan and that it represents a culmination of a task force and master plan that has been in development for over one year and has been the subject of many meetings and public information sessions. He stated that this plan improves the lives of thousands of residents and he asked the Council to endorse the item to make it a top priority for the City.
2. William Fitzgerald, 14 Flicker Lane, Norwalk, spoke in support of the reappointment of members to the Board of Ethics. He explained that with three members whose terms expired last March and two additional members soon to be expired, the Board does not comply with the requirements of a balanced committee. He further explained requirements for the Investigative Panel and Hearing Panels have specific party designations, and he strongly urged the Council to consider taking action on approval of these reappointments. He described the qualifications and character of members Elizabeth Broncati and James English, Reverend Smith and Louis Seeley.
3. Diane Lauricella, (no address given) stated that she was in agreement with most of the items on the agenda and wanted to express her yes vote with the exception of Item C, Personnel Pay Plan. She stated that she attended most meetings and there used to be public comments allowed as a way to articulate concerns and asked that this be reinstated. She further noted that the \$35,000 set aside as a bonus for departments is not warranted, has loose language and allows for favoritism to take place. She then stated that Item D, Old Mill Court, does not have any benefit to be a City street as it takes on more paving and maintenance in favor of a developer. She stated that with regards to Day Street, she asked the Council to vote no as although Choice Neighborhoods is great, there have been no real public hearings that were properly noticed and targeted to residents. She added that the resolution on the agenda needs consideration but the wording is inappropriate with the use of phrases such as plummeting crime rates, and cherry-picking words to sneak through language that is really inaccurate.
4. Diane Cece, Olmstead Place, provided her statement regarding the Norwalk & NHA & Day Street First, to clear up some public misconceptions: 1) Questioning the sale of the Day Street properties does not mean that someone is opposed to the redevelopment of Washington Village. I support rebuilding units that are modern and safe... that you're entrusting the future well-being of WV tenants to a landlord who did little to prepare and assist their tenants' pre-hurricane Sandy, and even less after the terrible flooding. 2) My interest in this project as looking out for the WV tenants... attended association meetings when this was still a HOPE VI initiative because I suspected they weren't being told the truth about the nature and scope of this project, and correctly guessed that many of them wouldn't feel at ease asking questions.

Public Comments – continued

Ms. Cece added that she was born in a public housing project and lived in section 8 housing during my youth. I know firsthand that the fear of eviction is almost always greater than the desire to ask questions. 3) No matter what any agency or consultant tells you, I swear to you tonight that there hasn't been one meeting open to the general public that was publicized or noticed in the newspaper or on the city website. Of the meetings some of us concerned citizens did attend, we either found out about them by accident, by searching through the NHA website, by seeing a flier, or were alerted by worrisome WV tenants... The sale of the Day Street properties for \$1 without the benefit or courtesy of a Public Hearing and to question the agreements under which NRA will partner with Trinity Financial for this project. The promise of additional services for residents, when in fact everything that NHA has included for the future under Choice Neighborhoods should already be in place, including a host of items that you'd be surprised to learn are inadequate today (attached). The transparency and clarity with which tenants are being advised of their potential future status. HOPE VI saw tenants being turned away from re-entry into new units based on arbitrary requirements that were not communicated to tenants prior to their temporary relocation. I have no faith in the assurances of housing authority that this will not occur in Norwalk. Read section 8-43 of the CT State Statutes, where it requires the NHA to hold a NOTICED PUBLIC HEARING prior to land acquisition, if only by option. Even if you don't see the benefit of a public hearing as our Council, surely you'd insist on NBA following the letter of the law, no? In closing, please know there is still time between now and the March 31 final application deadline for you to request a public hearing. If this sale is a good transaction today and you are ready to vote, then it will still be a good transaction in March AFTER a public hearing. The Choice Neighborhood Plan has a number of components that are strategies for success, titled "People" "Neighborhood" and "Housing". When you review those strategies answer this question: aren't all of these initiatives in place now? If not, why?

5. Dr. Ganga Duleep, President of Friends of Ryan Park stated that their organization was never contacted and never involved with the Choice Neighborhoods plan after spending much of their own time, money and effort with improving and maintaining the park. She stated that this item is on without regard to absence of public input, despite the HUD requirements as outlined in CT statutes. She referred to a letter and e-mail sent to the Council and asked that this item be referred back to Committee for proper review, as there is no rush to pass it on to HUD. She stated that it is their duty to protect the park and not to sell it to a developer for \$1. Dr. Duleep added that things have changed, engineering has been done without rebuilding guidelines in a flood zone and this will not warrant grant funding and would be extremely foolish to rebuild in a flood plain. She summarized that the lot should be moved three blocks down, relocate, have a fresh start and not risk being the laughing stock of the state ten years down the road.
6. Joyce Fishman, 31 Francis Avenue, spoke that the City proposed budget is different from the needs of education and each year teaches fear losing jobs and it is touch and go. Special Education is doing poorly, it is reported in the papers, and equipment is not available for teachers for Common Core State Standards and there are no funds. Property values are down when education is cut and now the City wants to give property for a \$1 to developers for 99 years. She stated there should be more responsible action by the City.

Public Comments - continued

7. Raymond Dunlap, representative of Washington Village asked those members of the audience to stand in support of the development. He stated that the many residents here tonight are present to show their support and hopes that the council will vote to endorse the plan and to move it forward on their behalf to approve the agreement. He added that these people, the community needs the transformation and it's in a flood zone, and he hopes and prays that they will make a good decision for the people.
8. Candace Meyer, Deputy Director of the Norwalk Housing Authority stated that they are in support of the Choice Neighborhoods Project and that as stated by community stakeholders tonight it is a culmination of a plan that has been the topic of many presentations and public information sessions. She referred to a letter from Stepping Stones Museum Director and submitted it for the record along with a letter from Reverend Lindsay Curtiss urging the council to vote on the option for approval.
9. Jim Hodson, stated he lived in Monroe, his children attend Newtown Schools and he represents the Newtown Action Alliance. He spoke about the world-wide whispers that are taking action against gun violence. He spoke about how profits trump the lives for the gun industry and gave an example of how a citizen cannot be sued over their right to bear arms. He added that this is a product of design for true freedom and the City of Norwalk has to be among the leaders to help restore balance and accountability. He added that there are many suggestions and solutions that are too numerous to mention tonight, but that while it is not perfect, he urged the Council to support the resolutions on gun legislation.
10. Anthony Allison, 4 Burwell Street spoke on behalf of Rhonda Deist of Stepping Stones and in support of the Choice Neighborhoods program. He referred to the endorsement on educational strategy and partnership with Norwalk ACTS, and urged support of approval for the agreement.
11. Cesar Ramirez, Chairman of the Norwalk Housing Authority thanked the council for the opportunity to speak in support of the CNBH and plan for Washington Village. He described this as a unique opportunity to come together to improve South Norwalk and to have an impact on thousands of residents of the City. He added that this a comprehensive plan that the City will be proud of the results for South Norwalk.
12. Dr. David Bernstein, Clinical and Forensic Psychologist and behavior specialist on school safety spoke about the resolution tonight as a model for reform for the state and the country. He stated that he was asked by Councilwoman Duleep to be the keynote speaker at a forum held in the City, and also he will speak tomorrow at the Capitol to the Senate Sub-Committee on addressing gun legislation. He spoke about the gems that a jeweler would protect and that there would not be an issue on how much security was needed to protect gems. He then used this analogy in comparison to the lives of children that are the most precious gem of all. He asked the City to consider the School Safety Officers and described their role as community liaison and police liaisons and the first line of defense. He added that they that are valuable resources for monitoring and affecting school climate, they know the temperament of the school when it comes to bullying and other issues.

Mayor Moccia asked if there was any member of the public who wished to comment, and hearing none, closed the participation portion of the meeting at 8:43 p.m.

MAYOR - Mayor Remarks:

Mayor Moccia stated that he appreciated Dr. Bernstein's comments and he agrees with the School Resource Officer positions that their role is much different than security guards. He added that these Officers are valuable resources in many important areas to school climate and operations. He stated that there are three Resource Officers in the High Schools, and that they are looking into possibly expanding to add three part-time Resource Officers to the Middle Schools.

He added that it is important to note that in addition to much debate and many issues on gun control legislation and mental health, there needs to be greater 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 added that the efforts of City's departments, DPW, Parks & Recreation, Customer Service and Police and Fire Departments, for their efforts with snow removal and that in comparison to other cities, Norwalk's response to the snow was much faster and is to be commended.

RESIGNATIONS AND APPOINTMENTS

REAPPOINTMENT: Elizabeth M. Broncati, Board of Ethics
Jack English, Board of Ethics

MR. HEMPSTEAD NOTED THAT THE ABOVE REAPPOINTMENTS ARE ON CONSENT TO TABLE DUE THE LACK OF A SUPER MAJORITY VOTE.

COUNCIL PRESIDENT

GENERAL COUNCIL BUSINESS:

Mr. Hempstead thanked those members of the City departments for their efforts with snow removal and emergency responders. Mr. Hempstead noted that today is Lincoln's Birthday and that this important President should be acknowledged as one of the great presidents and a key founding father of the country.

CONSENT CALENDAR

- ** **MR. HEMPSTEAD MOVED THE FOLLOWING ITEMS FOR CONSENT:
V.A; VII.A.1, VII.A.2, VII.B.1, VII.B.2, VII.B.3, VII.B.4a, VII.B.4b, VII.B.5,
VII.B.6, VII.C.1, VII.C.2, VII.D.1, VII.D.2, VII.D.3, VII.D.4, VII.E2, VII.E.3**
- ** **MOTION TO APPROVE THE CONSENT CALENDAR WAS UNANIMOUS.**

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

Consent Calendar:

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute a Fourth Amendment to the Agreement between the City and Emergency Communications Network, LLC.-Code Red for the CodeRED Emergency Notification System- Amendment will upgrade the calling plan to unlimited minutes for additional compensation amount of \$18,250 in FY 2012/13 and to authorize a contact renewal for fiscal year 2013/14 for a sum not to exceed \$37,500 from Acct no. 013160 - 5258 pending approval of budget funding for this purpose.
2. Authorize the Mayor, Richard A. Moccia, to execute an Agreement between the City and Resource Management Associates (RMA) to provide Fire Department Promotional Testing Services. Services will include written and oral examinations for the positions of Deputy Fire Chief, Captain and Lieutenant for a sum not to exceed \$15,000 from Account number 013140 - 5258 pending approval of the 2013/14 budget funding for this purpose.

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Purchasing Agent to issue a Purchase Order to Integrated Classroom Technology, Inc. for the purchase of interactive whiteboard tablet devices for Norwalk Public Schools for a total not to exceed \$141,773.20. Account # 09115010-5777-C0112
2. Authorize the Purchasing Agent to issue a Purchase Order to Connecticut Business Systems for the Purchase of LCD projectors for Norwalk Public Schools for a total not to exceed \$293,775.00. Account # 09115010-5777-C0112 - \$18,837.15 and Account #0911-5010-5777-C0113 - \$274,937.85
3. Authorize the Purchasing Agent to issue a Purchase Order to ACN d/b/a Digital Back Office for the purchase of desktops and LCD monitors for a total not to exceed \$421,860. Account # 09115010-5777-C0113
- 4a. Authorize the Purchasing Agent to issue a Purchase Order to ePlus Technology for the supply of data and communication support equipment for the new Fire Headquarters for a total not to exceed \$54,649.54. Acct. #09123110-5777-C0466
- 4b. Authorize to set aside an equipment contingency for a total not to exceed \$3,000.
5. Authorize the Mayor, Richard A. Moccia, to execute any and all documents (including, but not limited to, a subordination/historic preservation deed restriction) with the State of Connecticut relating to a Historic Restoration Grant from the State Historic Preservation Office (SHPO) to the Norwalk Seaport Association for the Sheffield Island.
6. Authorize the Mayor, Richard A. Moccia, to execute any and all documents (including, but not limited to, a subordination/historic preservation deed restriction) with the State of Connecticut relating to a Historic Restoration Grant from the State Historic Preservation Office (SHPO) to the Lockwood Mathews Mansion Museum.

C. PERSONNEL COMMITTEE

1. Approval to authorize the Mayor, Richard A. Moccia to execute a 401A-Defined Contribution Plan and any related documents with ICMA Retirement Corporation. Account #091530-5258.

Consent Calendar – continued.

VII. C.2

Approval to authorize the Mayor, Richard A. Moccia to execute documents related to the

selection of the Hartford Insurance Company for City and BOE Life Insurance Program.

D. PUBLIC WORKS COMMITTEE

1. Authorize the Purchasing Agent to issue a purchase order to Bridge-Haven Ford Truck Sales Inc. dba Gabrielli Truck Sales of Milford for purchase of two (2) 2014 Mack GU712 plow trucks for a sum not to exceed \$405,466.00. Acct No. 0912/13 4031 5777 C0313.
2. Authorize the Purchasing Agent to issue a purchase order to Park City Truck Equipment LLC for the purchase of two (2) Henderson Model RSP-11-42-TE snow plows for a sum not to exceed \$14,766.90. Account No. 0913 4031 5777 C0313
3. Accept Old Mill Court as a City street.
4. 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.

E. PLANNING COMMITTEE

1. Authorize the Mayor to execute the required Certificates of Consistency on behalf of the Greater Norwalk Continuum of Care's response to the U.S. Department of Housing and Urban Development's SuperNOFA.
2. Authorize the Mayor to execute the required Consolidated Plan Certificate of Consistency on behalf of the Mid-Fairfield AIDS project's application for Housing Opportunities for Persons with AIDS (HOPWA) funding.

Health, Welfare and Public Safety

- 3a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the City of Stamford for contract period October 1, 2012 through September 30, 2017.
- 3b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments, or amendments as may be necessary to implement the WIC Program for the period October 1, 2012 through September 30, 2017.

Mr. Miklave asked that due to the limited back-up only one page he would like a brief overview of the WIC program. Mr. Callahan, Health Department Director came forward and gave an overview of the program and defined how Stamford is the conduit with the subcontract arrangement with the City.

**** MS. MAGGIO MOVED TO APPROVE AND TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE CITY OF STAMFORD FOR CONTRACT PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2017.**

AND TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS, OR AMENDMENTS AS MAY BE NECESSARY TO IMPLEMENT THE WIC PROGRAM FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2017.

**** MOTION PASSED UNANIMOUSLY.**

Ms. Maggio requested to address a request to move an item under the Health, Welfare and Public Safety Committee and asked to permit Mr. Kimmel to discuss the item. Mr. Kimmel asked that the first resolution on the agenda be considered as part of the Committee process and requested that it be included as part of the Health, Welfare and Public Safety action items rather than the

end of the agenda.

**** MR. KIMMEL MOVED TO AMEND THE AGENDA TO MOVE THE FIRST RESOLUTION UP TO UNDER THE HEALTH, WELFARE AND PUBLIC SAFETY PORTION OF THE COMMITTEE AGENDA.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Maggio moved the resolution for discussion as presented.

VIII. RESOLUTIONS FROM COMMON COUNCIL

Mr. McCarthy read the resolution as follows:

A Resolution in Favor of Responsible Gun Laws and their Enforcement

Sponsored by David McCarthy (District E), Michael Geake (District B), Sarah Mann (At Large), Bruce Kimmel, Jerry Petrini (District D), Michelle Maggio (District C) David Watts (District A)

WHEREAS, firearms are used in over 2,000 crimes every year in Connecticut.

WHEREAS, in Connecticut, 60% of murders are committed by illegal firearms.

WHEREAS, in Connecticut, 23% of “small-city” 9th and 10th graders and 15% of affluent suburban 9th and 10th graders said it would be “sort of easy” or “very easy” to get an illegal gun.

WHEREAS, in Connecticut, more than 85 percent of gun crimes are committed by people who cannot legally purchase guns.

WHEREAS, in Connecticut, there is already a ban on the sale of “assault weapons” as defined in Sec. 53-202a Chapter 943 of the Connecticut General Statutes as well as other laws related to the purchase of guns.

WHEREAS, on June 27, 2012, a Meriden convenience store owner named Ibrahim Ghazal was shot and killed by a violent felon with illegal gun related felony convictions released under the state’s “Early Release Program.”

WHEREAS, in Connecticut, of the 7000 prisoners released under the “Early Release Program”, over 10% of them have been arrested for subsequent violent crimes, including many shootings with illegal guns and are back behind bars.

WHEREAS, in the City of Norwalk, even while the overall crime rate has plummeted in the last 6 years, any crime committed with an illegal gun is of concern.

WHEREAS, Norwalk has experienced its share of gun violence due to the spread of illegal guns of all kinds.

WHEREAS the City of Norwalk, its Police Department, and the bureau of Alcohol, Tobacco and Firearms have experienced significant success in arresting those involved with the crime of gun running and illegal gun possession.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that the General Assembly of the State of Connecticut should increase the penalties for illegal gun-related crime, especially when it occurs near a school, and cause the enforcement of those laws already enacted, and the prosecution of those arrested under those laws, and facilitate the incarceration of those convicted under those laws.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that the Chief of Police is encouraged to continue his work to reduce the number of illegal guns on our streets.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that the General Assembly of the State of Connecticut should suspend its “Early Release Program” for violent felons for further study.

Adopted by the Common Council of the City of Norwalk on February 12, 2013

Mr. McCarthy said the resolution benefited from being worked on in committee and that it was good cooperative process. He suggested that the second resolution might benefit from some work in committee, and given the timeliness of it, did not want it to get lost.

Mr. McCarthy stated that he wanted to change a word in response to public comment made earlier that referred to plummeting crime in Norwalk. He noted that the word plummeted had made it through all of our discussions in Committee without comment and he did not intend to sneak that through at all. He requested that an amendment to the resolution on line 8 to change the word “plummeted” to decrease, and an addition to the resolution to incorporate the following:

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we support the bicameral and bipartisan approach taken by the Connecticut General Assembly to address gun safety legislation in the aftermath of the mass murders and suicide in the Sandy Hook neighborhood of Newtown, Connecticut on December 14, 2012; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we fully expect the needs of Connecticut’s sixth largest municipality to be a significant factor in the deliberative process of the Bipartisan Task Force on Gun Violence Prevention and Children’s Safety; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we support the efforts of March for Change and Connecticut Against Gun Violence to encourage the Connecticut General Assembly to collaborate on reasonable gun safety legislation in a timely fashion; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we encourage the 86,000 residents of Norwalk to communicate their views to the Connecticut General Assembly by attending the February 14, 2013 March for Change and submitting testimony online via www.cga.ct.gov/ASaferConnecticut.

Mr. Kimmel stated that the second resolution has concern with the whereas paragraphs regarding the Heller ruling, and he did not want to associate himself with this constitutional argument, but wanted to incorporate the positive elements with the first resolution. He added that the established protocol of Committee process provides a constructive outcome, and provides benefits for defending the adoption of the resolution.

Mr. Miklave suggested that with regard to the amending the wording of plummeting to decrease, the entire line was not necessary to the essence and overall objective of the motion, and suggested that it be removed from the resolution.

Ms. Duleep questioned the statistics mentioned in the resolution, and Mr. McCarthy replied that he had the back-up documentation and would provide the data to her.

Mr. Watts said the resolution wasn’t perfect but it didn’t need to be nit-picked, and that was important to note that the intent was to speak out on illegal guns and try to do it in a bipartisan way. He added that he found the process to be open, we had an open discussion, and both sides

were collaborative, and everyone participated line by line.

Mr. Petrini said everyone was very, very far apart when the resolution was presented in its raw form, but that both sides came together and worked hard to come up with a bi-partisan approach, and this should be the way to do things – let it all be like this.

Mr. Miklave referred to the last paragraph on ...suspend its “Early Release Program” for violent felons for further study and a discussion ensued over this. Mr. Miklave noted that the criminal justice system unfairly penalizes those who don’t have the opportunities more affluent people have. Mr. Kimmel said he understood Mr. Miklave’s objections but said the program isn’t working at present. Mr. Watts said he disagreed with Mr. Miklave, as he feels responsible when his constituents must deal with a shooting in their neighborhood.

Mr. Miklave suggested that this be amended to change, suspend to be “reviewed”. Mr. Pena replied that he agreed, saying he knew people, people he had grown up with in South Norwalk, who had been released early, making all the difference in their lives.

**** MR. MIKLAVE MOVED TO AMEND THE RESOLUTION TO CHANGE THE LAST PARAGRAPH OF THE RESOLUTION TO CHANGE THE WORD “SUSPEND” TO “REVIEW” ITS EARLY RELEASE PROGRAM....**

**** MOTION FAILED WITH THREE VOTES IN FAVOR (MIKLAVE, DULEEP, PEÑA) ELEVEN OPPOSED, AND NO ABSTENTIONS.**

Mayor Moccia then called a vote on the amendment and resolution.

**** MR. MCCARTHY MOVED TO AMEND THE RESOLUTION AS NOTED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MS. MAGGIO MOVED TO ADOPT THE RESOLUTION AS AMENDED.**

**** MOTION PASSED UNANIMOUSLY.**

Approval of Revised Ordinance Pay Plan and Salary Matrix for 2012 and 2013.

Mr. Miklave asked it to be noted in the record that he was recusing himself from the item to avoid the appearance of conflict with the manner in which this item was presented.

Mr. Miklave left the Council Chambers at 10:10 p.m. and returned at 10:25 p.m.

Mr. Hempstead explained that the pay plan and matrix covers Ordinance List employees, department heads, supervisors and administrators, support staff and the elected positions of mayor and registrars of voters. He added that the Personnel Committee worked hard on this issue and he feels that this is a good compromise.

Mr. Watts stated that he wants to work on modifications to the Merit plan and Personnel evaluations to include living requirements to live in Norwalk, that the City has great things to offer and he encouraged Department Heads to live in Norwalk.

Mr. Kimmel stated that the Personnel Committee is one of the most difficult committees to serve on, and this pay plan matrix is a highly sensitive issue that has been deliberated on for years.

He added that he agreed with Mr. Hempstead's assessment that it is a good compromise and that a higher salary will attract better candidates for the job and note that it is awkward when the department heads are making more money than the person supervising them.

He added that the one governing the city that all these department heads have to report to, should be at least equal to anybody that's on that Ordinance list and to note that mayors themselves decide whether they want to accept pay raises.

Mr. Pena said that he agrees that this is an adequate compromise and that the city must give a competitive salary to this particular role as leader of the city.

Ms. Duleep stated that she could not support this item at this time when the City is struggling with budget problems and that it was completely inappropriate to give pay increases to administrators. She referred to budget cuts that were made to the education budget and when the financial priority is to recover from the many cuts to programs and positions such as librarians and finding money to fund common core improvements in technology. She added that when faced with budget cuts last year, the Superintendent elected not to take a pay increase and she found that this was admirable, the right thing to do, and feels that this is this is the type of action that should follow with the City administrators including the Mayor. Ms. Duleep said she could not vote for raising the mayor's salary at a time when our city's wish list is adding things that should be very basic. She added that at the top of our wish list, the thing is fully funding the education budget and having the funds to properly implement the Common Core Standards.

Mr. Igneri stated that he agreed with Mr. Hempstead that the Personnel Committee worked hard with this that while it is not perfect, it is an improvement and that it is a good compromise.

Mr. Kimmel added that many conversations exist and that he feels strongly that the leader of the City should be at least equal to the department heads. He added that the structure should attract most qualified people and should provide candidates to afford to accept the position to make it financially possible to live comfortably and to send their children to college.

Mr. Pena added that he was stunned initially to see how much less the Mayor makes in relation to department heads, and that we need to have a competitive salary for the position.

Mayor Moccia said he took a pay freeze when times were rough and department heads took furlough days. He added that in response to comments on education, there is currently over \$400,000 in the Board of Education budget for Common Core Standards implementation, and close to \$2 million in his recommended Capital Budget for Common Core equipment. He pointed out that the person who wins the fall election will be eligible for the higher pay scale and that this was not approval of a raise for him. He explained that this is a new scale that establishes what the new mayor might be paid, and it will not go into effect until after the next election.

**** MR. HEMPSTEAD MOVED TO APPROVE THE REVISED ORDINANCE PAY PLAN AND SALARY MATRIX FOR 2012 AND 2013.**

**** MOTION PASSED WITH TWELVE VOTES IN FAVOR, ONE OPPOSED (DULEEP) AND ONE ABSENTION (MIKLAVE-RECUSED).**

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**FEBRUARY 12, 2013
REGULAR MEETING MINUTES**

Approve as to terms the referenced Day Street Option Agreement subject to final form as determined by Corporation Counsel. Authorize the Mayor to execute the Option Agreement.

Mr. Kydes read his statement that the item has been vetted through the Planning committee for many months and explained the process that on August-2, 2012 the Planning Committee unanimously approved advancing the Option to Purchase 13 and 20 Day Street Agreement referenced at that meeting to the Common Council. Subsequently, the Norwalk Housing Authority's Counsel advised both the Redevelopment Agency and the Office of Corporation Counsel that the document required certain modifications to appropriately comport with the requirements of potential public financing sources that would be considered in the redevelopment effort. He went on to describe the supporting documents and in communication with Corporation Counsel and the Redevelopment Agency, the Housing Authority's counsel has further modified and refined the agreement. Staffs review of the terms of the document for consistency with what the Planning Committee previously authorized finds one difference related to the approved term of the agreement. The Planning Committee previously approved a five year term. The revised agreement in Section 3(u), however, sets the agreement's potential expiration date at December 31, 2018. Assuming the agreement will be executed in the near term, this expiration date goes beyond that which the Committee previously approved. Other than this one item, the document appropriately comports with the terms previously approved by the Committee, consequently, the Planning Committee approves advancing the terms as outlined in the attached documentation. He summarized by saying that following many public information sessions and public hearings, he had seen no one from South Norwalk say anything against this.

Mr. Hilliard stated that this is not new, and has been in development for quite while with many public information sessions and all the procedures were followed through Committee and the Redevelopment Agency. The transformation plan calls for razing Washington Village public-housing complex as part of a mixed-income development that would include public, workforce and market-rate units and much needed improvements over what has flooded repeatedly over the years, most recently during Hurricane Sandy. He added that this will benefit the City and improve the South Norwalk community greatly, and this has been completely welcomed, and he has had no negative comments from his constituents.

Mr. Kimmel stated that this is an area where the local press can play a useful role with clarification of miscommunication of property transfer and private equity involved. He added that if there is no grant the property refers back to the City, and all has been done right with the process of this issue. The transformation plan calls for mixed-income development that would include public, workforce and much needed improvements. He summarized that we can't lose but can gain \$30 million in grants.

Ms. Duleep stated that she had many questions and referred to the wording in supporting documents of the City as the co-applicant. Mayor Moccia asked Mr. Sheehan and Mr. Law from the Housing Authority to come forward to address the comments.

Mr. Sheehan pointed out that this was documented in 2009 and the City was not the applicant, the Norwalk Housing Authority was the primary applicant, and the City was a co-sponsor of the terms of the option agreement which is clearly laid out in the grant application.

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Ms. Duleep stated that she would vote against the proposal to grant NHA the sole right to buy the city-owned properties at 19 and 20 Day Streets for \$1. The move gives the authority site control which is a requirement of the HUD Choice Neighborhoods grant, and appears to be inconsistent with current management practices of the property.

Ms. Duleep stated that she was going to restrict her comments to the agreement wanted to ask a question of the Housing Authority of a memorandum dated 2012 concerning garbage pick up.

Mr. McCarthy requested a point of order and asked Corporation Counsel for an opinion ruling regarding a conflict of interest for Ms. Duleep as there is a pending law suit concerning Ryan Park involving an immediate family member. Ms. Duleep replied that there was no conflict and if there was anything to take it to the Board of Ethics. She added that her Mother is founder of Friends of Ryan Park and there is no personal gain. Mayor Moccia asked Ms. Duleep to confine her comments to the Day Street agreement.

Mr. McCarthy again asked for a response regarding a conflict, and Mayor Moccia asked Corporation Counsel to respond. Attorney Maslan read from the state statutes relative to the definition of conflict of interest and stated that if there was anything to be gained from the item it would be a conflict. He gave examples of types of conflict and explained that in this case there does not appear to be a personal gain and no conflict of interest to prevent Ms. Duleep from participating in the discussion or vote on the item.

Mr. McCarthy wanted to go on record that he found this personally objectionable. Ms. Duleep replied that the voters will decide, and stated that she will proceed to ask further questions. She asked to clarify that relative to the supporting documents in the packet on the wording of the agreement modifications and restrictions that were lifted in 2009. Mr. Sheehan replied that at the time it was not a project as it had not materialized and thus was not renewed.

Ms. Duleep read from minutes from that year and asked about the industrial use restrictions and the expiration.

Mr. Sheehan replied that the study was not a planning grant awarded back then, and the grant did not have applicability to the Housing Authority at the time, and was not renewed by the administration. Ms. Duleep asked about the industrial use restrictions and the Common Council statements indicated approval master plan for development that called for the site to be a mixed use site.

Ms. Duleep then referred to the HUD website and asked if the City why title was needed to transfer and setting parameters for a project that is under the guidance of the Housing Authority and we don't need to purchase acreage is it permissible to sign a 99 year lease...

Mr. Sheehan pointed out that this was documented in 2009 and the City was not the applicant, and that the Norwalk Housing Authority was the primary applicant. He explained that the City was a co-sponsor of the terms of the option agreement which is clearly laid out in the grant application, and assuming all conditions are met and a 30 million dollar grant from HUD is awarded, then ultimately they need to be able to exercise the right to use the site.

Ms. Mann stated that it was a wonderful opportunity for the residents and the City to improve
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this area and she would be supporting the approval of the agreement.

Mr. Watts stated that quality housing should be provided for residents in South Norwalk and they have testified that they want these improvements and he strongly supports the agreement.

Mr. Pena commented that he is in support of the item and that he sees this as a win-win for everybody, that will redefine the area and enhance Ryan Park and benefit the community greatly. He added that it is time to move forward and to trust all the stakeholders involved, get rid of mis-information and go with the Redevelopment Agency, and not hold up the process of improvement.

Mr. Hempstead clarified that it makes the sites available, and in the off-chance of the notice of funding of availability by HUD, we'd be able to apply. One of the conditions when you apply is you have to demonstrate site control for all of the parcels that you intend to build housing on and we have to get the transformation plan approved then that will be submitted to HUD.

Mr. Miklave noted that Washington Village is already and this is an opportunity as part of government stimulus we have to leverage public investment in this property. He said an underutilized asset will benefit public to support economic development.

Ms. Duleep referred to page 81 of the draft agreement of the acreage and site plan and asked that Spinnaker intends to build new housing and that it was her understanding rent has not received rent. Mr. Sheehan said L&L Evergreen site was never owned by the City and it was in private ownership and ultimately the discontinued their lease and had filed for zoning procedures. Mr. Sheehan explained that the Housing Authority has until the end of March to submit the final transformation plan to HUD. If the plan is approved and federal funding becomes available, the Housing Authority would apply for an implementation grant of up to \$30 million to execute the transformation plan under HUD's Choice Neighborhoods Program.

Ms. Duleep asked why a simple majority was required and Mr. Sheehan explained that this was due to Planning Commission requirement of approval 8-24 review that the City has.

Ms. Duleep said it is a wasted opportunity not to be a co-applicant for the City and accepted the offer from HUD to get their assistance through the application process that would not cost the City. She added that we are constricting any future mayor on things like this as this will not allow the City to be a leader in this issue with flood zone help from the governments and we should consider the Webster Street parking area.

Mayor Moccia stated he has met with all the involved Commissions and Boards and the law department and this project is supported. But progress with no change and investment without progress does not apply.

Mayor Moccia called for a role call vote.

**** MR. KYDES MOVED TO APPROVE AS TO TERMS THE REFERENCED DAY STREET OPTION AGREEMENT SUBJECT TO FINAL FORM AS DETERMINED BY CORPORATION COUNSEL. AUTHORIZE THE MAYOR TO EXECUTE THE OPTION AGREEMENT.**

**** MOTION PASSED WITH THIRTEEN VOTES IN FAVOR, AND ONE OPPOSED**

(DULEEP).

Resolutions Ms. Duleep referred to the following proposed resolution as presented:

Resolution to Support the March for Change: Demanding Common Sense Gun Safety Legislation in Connecticut Submitted by Anna Duleep (D-At Large)

WHEREAS, the Second Amendment to the United States Constitution states: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”; and

WHEREAS, the Norwalk Common Council recognizes District of Columbia v. Heller, 554 U.S. 570 (2008) as the controlling federal decision regarding the Second Amendment; and

WHEREAS, Heller affirms an individual’s right to own a gun: “There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms. Of course the right was not unlimited, just as the First Amendment’s right of free speech was not” [22]; and

WHEREAS, Heller further affirms the ability of legislative bodies to regulate the right to bear arms: “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of guns” [54]; and

WHEREAS, Justice Scalia concludes the majority opinion in Heller by stating, “We are aware of the problem of handgun violence in this country, and we take seriously the concerns raised by the many who believe that prohibition of handgun ownership is a solution. The Constitution leaves the District of Columbia a variety of tools for combating that problem, including some measures regulating handguns, see supra, at 54–55, and n. 26.

Resolution to Support the March for Change – continued

But the enshrinement of constitutional rights necessarily takes certain policy choices off the table. These include the absolute prohibition of handguns held and used for self-defense in the home.” [64]; and

WHEREAS, the Connecticut General Assembly has convened the bicameral Bipartisan Task Force on Gun Violence Prevention and Children’s Safety; and

WHEREAS, Norwalk is the sixth largest municipality in the State of Connecticut; and

WHEREAS, the Norwalk Gun Safety Legislation Forum was held in the Jennie F. Cave Common Council Chambers on January 29, 2013; and

WHEREAS, the bipartisan panel included two State Senators, four State Representatives, four Common Council members, and one Board of Education member; and

WHEREAS, members of the Connecticut Citizens Defense League participated thoughtfully and passionately from the audience; and

WHEREAS, the March for Change will take place on February 14, 2013 at 11 a.m. at the Hartford Capitol; and

WHEREAS, the March for Change and Connecticut Against Gun Violence support the Second Amendment, as interpreted by Heller; and

WHEREAS, the March for Change and Connecticut Against Gun Violence specifically support an individual’s right to own a gun for personal protection in Connecticut; and

WHEREAS, the March for Change and Connecticut Against Gun Violence demand legislative change to Connecticut’s current laws regulating the use of guns. [www.marchforchange.org]

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL

THAT we support the bicameral and bipartisan approach taken by the Connecticut General Assembly to address gun safety legislation in the aftermath of the mass murders and suicide in the Sandy Hook neighborhood of Newtown, Connecticut on December 14, 2012; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we fully expect the needs of Connecticut's sixth largest municipality to be a significant factor in the deliberative process of the Bipartisan Task Force on Gun Violence Prevention and Children's Safety; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we support the efforts of March for Change and Connecticut Against Gun Violence to encourage the Connecticut General Assembly to collaborate on reasonable gun safety legislation in a timely fashion; and

NOW, THEREFORE, BE IT RESOLVED BY THE NORWALK COMMON COUNCIL THAT we encourage the 86,000 residents of Norwalk to communicate their views to the Connecticut General Assembly by attending the February 14, 2013 March for Change and submitting testimony online via www.cga.ct.gov/ASaferConnecticut.

Ms. Duleep stated that this resolution helps her efforts in Hartford including the subcommittee on school safety and lobbying legislators for Norwalk's needs in their deliberations. She explained that tomorrow is the March for Change and it calls upon every Norwalk resident to tell the Connecticut legislature exactly what he or she wants to have happen regarding gun safety legislation. She added that part of her previous testimony to Sen. Boucher's committee included an invitation for the members of her committee to tour our Norwalk schools to see that we cannot afford many of the sensible measures they will recommend to the ECS Task Force.

Resolution to Support the March for Change – continued

Ms. Duleep continued that we are working together to bring funding into Connecticut to help us address gun violence.

A discussion ensued over the resolution, and Mr. Kimmel stated that he was familiar with this and suggested that the resolution could benefit from vetting through Committee as was done with the previous one. Ms. Duleep provided her rationale and input for the resolution and stated that although resolutions are now preferred to go through Committee, there is a reason why resolutions are put forth and there is a special section on the agenda for this. She gave examples of previous resolutions such as Safe Routes for Schools and the process of putting them on the agenda, directly introduced and how they were discussed and passed.

Mr. Watts stated that since this was not discussed in committee, and he requested a two minute recess for clarification and review.

The meeting was recessed at 11:20 and reconvened at 11:25 p.m.

Ms. Duleep read her statement in support of consideration of the resolution, as follows:

This resolution helps my efforts in Hartford on a subcommittee on school safety and lobbying legislators for Norwalk's needs in their deliberations. Tomorrow is the March for Change and it calls upon every Norwalk resident to tell the Connecticut legislature exactly what he or she wants to have happen regarding gun safety legislation. Part of my previous testimony to Sen. Boucher's committee included an invitation for the members of her committee to tour our Norwalk schools to see that we cannot afford many of the sensible measures they will

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undoubtedly recommend. Ms. Duleep continued that she will be in Hartford representing Norwalk along with Dr. Bernstein and also there will be Senator Boucher's co-chair Rep. Andy Fleischmann, a name familiar to every Norwalk parent who spoke at the ECS Task Force meetings in Hartford and Bridgeport. We are working together to bring funding into Connecticut to help us address gun violence. She requested consideration and vote on the resolution.

**** MR. MIKLAVE MOVED TO REFER THE RESOLUTION BACK TO THE HEALTH, WELFARE AND PUBLIC SAFETY COMMITTEE FOR A REVIEW PROCESS.**

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

VIII. RESOLUTIONS FROM COMMON COUNCIL - As noted under Health, Welfare, Public Safety.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE.

X. SUSPENSION OF RULES

XI. ADJOURNMENT

**** MR.KYDES MOTIONED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services