

Common Council Actions

January 25, 2005

**NORWALK, CONNECTICUT 8:00PM 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.**

The regular meeting of the Common council of the City of Norwalk was held on Tuesday, January 25, 2005 p.m. in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp opened the meeting at 8:10 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain Richard McQuaid
Kenneth Baker Matthew Miklave
Fred Bondi Jeanette Olmstead-Sawyer
Carvin Hilliard Kevin Poruban
Douglas Hempstead Douglas Sutton
Bruce Kimmel Leona Williams

At Roll Call there were twelve (12) members present and three (3) members absent. Mr. Coffey, Mr. Krummel and Mr. Wien.

VIII. RESOLUTIONS FROM COMMON COUNCIL

Resolution presented by Councilmen Bondi and McQuaid for Norwalk Jaguars

Mayor Knopp said that he wanted to change the order of the agenda to accommodate the guests from the Norwalk Jaguars. Mr. Bondi and Mr. McQuaid submitted a resolution and Mayor Knopp asked Mr. Bondi to present the resolution to recognize the Norwalk Jaguars, the only team in Norwalk Pop Warner to ever win the New England Regionals. Councilmembers Bondi, Olmstead-Sawyer, Hempstead and McQuaid praised the organization. Mayor Knopp thanked everyone associated with Pop Warner and said that this resolution was a small token of appreciation.

**** MR. MIKLAVE MOVED TO ACCEPT THE RESOLUTION
** MOTION PASSED UNANIMOUSLY**

II. ACCEPTANCE OF MINUTES

A. REGULAR MEETING - January 11, 2005

**** MR. BONDI MOVED TO ACCEPT THE MINUTES**

The following corrections were made:

Page 1: First paragraph, last sentence – change 2005 to 2004.

Page 2: First paragraph, first sentence – change Cater to Carter.

**** MOTION PASSED WITH ELEVEN (11) IN FAVOR AND ONE (1) ABSTENTION
(MS. WILLIAMS)**

III. PUBLIC PARTICIPATION

Mr. Art Sciallaba spoke about item 7A3 and urged the Common council to reconsider passing the resolution.

Mr. Dave Davidson spoke about item 7A3 and urged the Common Council to set a real cap rather than an artificial place cap.

Mr. Randall Avery spoke about item 7A3 and said that he felt it was important to state the same position as the last two speakers. He added that the wisdom of this charter is that the Common Council has significant knowledge of the budgets.

IX. SUSPENSION OF THE RULES

**** MR. BONDI MOVED TO SUSPEND THE RULES TO ADD TO THE AGENDA
THE MINUTES OF THE SPECIAL MEETING OF JANUARY 11, 2005**

**** MOTION PASSED UNANIMOUSLY**

**** MR. BONDI MOVED TO ACCEPT THE MINUTES**

The following correction was made to the minutes:

Page 1: last word was changed from off to of.

**** MOTION PASSED WITH TEN (10) IN FAVOR AND TWO (2) ABSTENTIONS
(MR. PORUBAN AND MS. WILLIAMS)**

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Appointment: Michael S. Stewart, Assistant Tax Assessor

Mayor Knopp reviewed Mr. Stewart's background.

** MR. KIMMEL MOVED TO APPROVE THE APPOINTMENT

** MOTION PASSED UNANIMOUSLY

B. REMARKS

Mayor Knopp commended the Department of Public Works for responding very effectively to the major snow storm that took place last weekend.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

** MR. BONDI MOVED THE FOLLOWING ITEMS

A. CORPORATION COUNSEL

1. Authorization to settle claim: Damani King v. City of Norwalk

A. NORWALK FACILITIES AND CONSTRUCTION COMMISSION

1a. Authorize the Mayor Alex A. Knopp, to execute a contract with William B. Meyer, Inc. for moving and storage services at Brien McMahon High School for a total not-to-exceed \$68,888.00. Acct #0902/03/04-5010-5777-C0237

1b. Authorize the NFCC to issue change orders on contract for a total not to exceed \$4,000.00

2. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Valus & Carpenter's architectural design services contract for the new Police Station, to provide additional Construction Administration Services for a total not to exceed \$15,390.00. Acct. #0903 4031 5777 C0137

A. FINANCE COMMITTEE

2. For informational purposes only: Monthly Tax Collector's Report Dated December 31, 2004.

B. RECREATION AND PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Norwalk Exchange Club for their annual Antique Auto Show to be held at Taylor Farm on Sunday,

April 24, 2005 from 9:00 AM -5:00PM. Set-up for the event would take place on Thursday, April 21, 2005. A Rain date of May 1, 2005 is also requested. Estimated attendance 500+

2. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the YMCA for the use of Marvin School and Taylor Farm for their Summer Camp to take place June 27, 2005 through August 26, 2005, Monday - Friday for ages 3-15. Estimated attendance 150.

3. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Norwalk Karting Association to use Calf Pasture Beach for their annual racing season on Saturdays, April 2nd, 9th, 16th, 23rd, 30th, May 7th, 14th, 21st. The races will be held from 7:00AM - 4:00PM. Rain dates on Sundays with the exception of May 8th and May 22nd.

**** MOTION PASSED UNANIMOUSLY**

B. OTHER GENERAL COUNCIL BUSINESS

There was no other business.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

**** MR. KIMMEL MOVED THE FOLLOWING ITEM**

B. BOARD OF ESTIMATE AND TAXATION

1. **RESOLVED**, that a sum not to exceed \$50,000 be and the same is hereby transferred from Contingency to the Personnel Department to pay for a shortfall in the Other Professional Services Account for arbitration expenses. Acct. # 01- 0700-5258

Mr. Hempstead asked what was incorporated in the other professional account. Mr. LeTourneau explained that it pays for outside labor relation council

Mr. Kimmel said that he applauded Ms. LeTourneau and said that the back up information was excellent.

**** MOTION PASSED WITH ELEVEN (11) IN FAVOR AND ONE (1) ABSTENTION (MR. MCQUAID)**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

**** MR. KIMMEL MOVED THE FOLLOWING ITEM**

B. BOARD OF ESTIMATE AND TAXATION

2. RESOLVED, that a sum not to exceed \$15,000 be and the same is hereby transferred from Contingency to the Organizational Memberships budget to pay for the City of Norwalk's fee for the Connecticut Coalition for Justice in Education Funding. Acct. # 8200-5235

Mr. Kimmel said that he applauded this action and fully supports it. Mr. Hempstead said that it is worth exploring, but it needs further study.

**** MR. HEMPSTEAD MOVED TO SEND THIS ITEM TO THE FINANCE COMMITTEE**

Mayor Knopp explained the item and said that a number of mayors decided to form this organization and they are bringing it before their Common Council asking for their support. The information before the Common Council is the information that is available; there is nothing that was not presented to this Common Council.

Mr. Hempstead said that the Common Council should not join an organization that it has no knowledge of. He said that it looks like it is worthy, but he needs more information so that it can be discussed in committee.

Mr. Kimmel asked if this was a time sensitive issue. Mayor Knopp said that the longer they delay the longer before the matter is presented to the legislature. The information needs to be used in this legislative session. He added that the idea is to focus on the funding and the sooner they get the study done, the sooner they will get the ball rolling.

Mr. Miklave said that the materials are adequate for what they need to do. He said that he does not find any of the fees to be unreasonable for experts. The \$15,000 membership fee is not the mountain people are making it out to be. Mr. Miklave said that he opposed Mr. Hempstead's motion.

Mr. Kimmel said that he opposed Mr. Hempstead's motion. He said that this is an opportunity to do something and it behooves the Common Council to move forward. He said that this could solve a lot of problems and is well worth the \$15,000.

Mr. McQuaid asked Mayor Knopp how many have joined. Mayor Knopp said that he was not aware of anyone turning it down. Mr. McQuaid said that this is definitely a good idea, but should be done in committee.

Mr. Hempstead said that it appears that nothing will happen during this legislative session.

Mayor Knopp said that this is an effort to show leadership.

**** MOTION FAILED WITH TWO (2) VOTES IN FAVOR (MR. HEMPSTEAD AND MR. MCQUAID) AND TEN (1) VOTES IN OPPOSITION**

**** MR. HEMPSTEAD MOVED TO AMEND THE MOTION TO ADD THAT PAYMENT OF THE FEE WOULD BE CONTINGENT UPON APPROVAL BY OTHER MUNICIPALITIES**

**** MOTION FAILED WITH TWO (2) VOTES IN FAVOR (MR. HEMPSTEAD AND MR. MCQUAID) AND TEN (1) VOTES IN OPPOSITION**

Mayor Knopp said that he hoped that they could come out with a strong endorsement. Ms. Williams commended the Mayor for taking the initiative and including Norwalk.

Mr. Hempstead said that he will abstain. He said that his objection is procedurally how it got here. He added that he was not against this initiative.

**** MOTION PASSED WITH TEN (10) IN FAVOR AND TWO (2) ABSTENTIONS (MR. HEMPSTEAD AND MR. MCQUAID)**

**** MR. KIMMEL MOVED THE FOLLOWING ITEM**

Mr. Miklave excused himself and left the Council Chambers.

C. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee Dated January 13, 2005.

**** MOTION PASSED UNANIMOUSLY**

Mr. Miklave returned to the Council Chambers.

**** MR. KIMMEL MOVED THE FOLLOWING ITEM**

3. RESOLUTION: WHEREAS, Section I-289 of the Norwalk Charter requires that a majority of the Common Council vote to establish a specific spending limitation on locally funded expenditures during the process of establishing the next fiscal year's operating budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NORWALK THAT:

The maximum limit on total appropriations for the City of Norwalk for Fiscal Year beginning July 1, 2005, shall be no more than \$206,497,481. This cap amount represents the same amount of expenditures approved in the current 2004- 05 budget less an estimate of intergovernmental grants to be received in 2005-06. In adopting this resolution, the Common Council also states that this expenditure cap is essentially an artificial placeholder cap, and should be viewed as such. Our decision to establish this flat preliminary expenditure cap is predicated on the notion that we are awaiting additional information regarding the operating budget.

Be it further resolved that the result of this vote and resolution, together with the attached 2005-06 Budget Guide, be forwarded by the Clerk of the City of Norwalk to the Board of Estimate and Taxation.

Mr. Kimmel spoke about the item and said that it would be premature to adopt a hard cap now. It would be a disservice to the taxpayers. He added that there is a bipartisan agreement that the budget timeline does not work. The City has been holding spending down and in that regard is doing better than the surrounding town.

Mr. Kimmel gave a history of the budget process during the late 1990's and said that they were presented with budgets with incomplete information. He said that they need to have all of the information.

Mr. Hempstead said that he was around when the amendment was proposed and voted against it. He said that they are giving up their obligations and are not doing their due diligence. He said that there is prior knowledge of the budget and when doing an analysis of the funding coming from the State it is pretty predictable. Mr. Hempstead said that he feels that the Common Council has an elected responsibility to give guidance to the Board of Estimate and Taxation.

**** MR. HEMPSTEAD MOVED TO REMOVE "IN ADOPTING THIS RESOLUTION, THE COMMON COUNCIL ALSO STATES THAT THIS EXPENDITURE CAP IS ESSENTIALLY AN ARTIFICIAL PLACEHOLDER CAP, AND SHOULD BE VIEWED AS SUCH. OUR DECISION TO ESTABLISH THIS FLAT PRELIMINARY EXPENDITURE CAP IS PREDICATED ON THE NOTION THAT WE ARE AWAITING ADDITIONAL INFORMATION REGARDING THE OPERATING BUDGET"**

**** MOTION FAILED WITH TWO (2) IN FAVOR (MR. HEMPSTEAD AND MR. MCQUAID) AND TEN (10) IN OPPOSITION**

Mr. Miklave said that this is turning into a partisan issue because some people have to make a campaign stand. He said that he takes offence when some members accuse other members of abdicating their responsibility. Mr. Miklave said that by setting a zero placeholder cap, it will make it more difficult to raise the cap. He acknowledges that this is a placeholder cap and will remain that unless ten members of the Common Council agree that it should be increased.

Mr. Miklave said that he is in favor of a reasonable budget increase and would welcome the opportunity to have line item responsibility. There are pressing needs of the City that have to be addressed, but there is not enough money to fully fund all of the requests. Government is about making tough choices and Mr. Miklave said that he does not find any artificial numbers to be a satisfactory way to raise expectations.

**** MOTION PASSED WITH TEN (10) VOTES IN FAVOR AND TWO (2) OPPOSED (MR. HEMPSTEAD AND MR. MCQUAID)**

X. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

XI. ADJOURNMENT

** MR. BONDI MOVED TO ADJOURN

** MOTION PASSED UNANIMOUSLY

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

