

Common Council Actions

COMMON COUNCIL

ACTION

February 10, 2004

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, February 10, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8:05 pm and lead the assembly in the Pledge Of Allegiance. There was a minute of silence to remember Len Harris who had sadly died last Friday.

I. ROLL CALL

- | | |
|-------------------|--------------------------|
| Betsy Bain | Bruce Kimmel |
| Kenneth Baker | Richard McQuaid |
| Fred Bondi | Matthew Miklave |
| Michael Coffey | Jeanette Olmstead-Sawyer |
| Carvin Hilliard | Kevin Poruban |
| Douglas Hempstead | Douglas Sutton |
| William Krummel | Peter Wien |

Leona Williams

There were fifteen (15) members present at Roll Call.

II. ACCEPTANCE OF THE MINUTES

- A. Special meeting of January 16, 2004
- B. Special meeting of January 20, 2004
- C. Regular meeting of January 27, 2004

**** MR. KRUMMEL MOVED APPROVAL OF THE MINUTES OF JANUARY 16, 2004 AS AMENDED.**

The following corrections were made:

Page one, add Peter Wien's name to the roll call and it should also be noted that he was absent from the special meeting.

Page three, fourth paragraph, second line, insert the word Hall (after City). Page three, fifth paragraph, delete the last sentence. Page three, sixth paragraph, in the third line delete the name PinPoint and replace with DEP.

Page five, sixth paragraph, in the third line, delete "that belong to CMEEC" and replace with "that are listed as preferred cities". Page five, seventh paragraph, in the second line, delete ISO and replace with "the city".

**** MOTION PASSED SEVEN VOTES IN FAVOR (MR. HEMPSTEAD, MR. HILLIARD, MR. PORUBAN, MR. COFFEY, MR. SUTTON, MS. BAIN, MR. KRUMMEL), EIGHT ABSTENTIONS (MR. MCQUAID, MR. WIEN, MR. BAKER, MR. BONDI, MR. KIMMEL, MR. MIKLAVE, MS. OLMSTEAD-SAWYER) BY VOICE VOTE.**

**** MR. BONDI MOVED TO TABLE THE MINUTES OF JANUARY 20, 2004 TO THE NEXT REGULAR MEETING OF THE COMMON COUNCIL.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MR. BONDI MOVED APPROVAL OF THE MINUTES OF JANUARY 27, 2004 AS PRESENTED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

III. PUBLIC PARTICIPATION

No members of the public wished to speak this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

1. Appointment: Peter Viterette – Norwalk Tree Advisory Committee

2. Reappointment: Dr. John McNamara – Norwalk Board of Health

Daniel Brookshire - Norwalk Tree Advisory Committee

Mayor Knopp announced that he had one appointment and two reappointments to make this evening. The first was to put forward the name of Peter Viterette to the Norwalk Tree Advisory Committee; at the same time he noted that Mr. Viterette has extensive experience in arbor and landscaping matters.

**** MR. BAKER MOVED TO APPOINT PETER VITERETTE TO THE NORWALK TREE ADVISORY COMMITTEE.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The Mayor said he was pleased to suggest the name of Dr. John McNamara noting that he is the head of the pediatric ward at Norwalk Hospital and has been very involved with the Board of Health.

**** MS. BAIN MOVED TO REAPPOINT DR. JOHN MCNAMARA TO THE NORWALK BOARD OF HEALTH.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Lastly, Mayor Knopp put forth the name of Daniel Brookshire for reappointment on the Tree Advisory Committee who has been a very active member.

**** MS. OLMSTEAD-SAWYER MOVED TO APPOINT DANIEL BROOKSHIRE TO THE NORWALK TREE ADVISORY COMMITTEE.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

B. REMARKS

The Mayor made no remarks this evening.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**** MR. KIMMEL MOVED APPROVAL OF THE FOLLOWING ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR.**

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. BOARD OF ESTIMATE AND TAXATION

1. RESOLVED, that a sum not to exceed \$32,445 be and the same is hereby transferred from Contingency to the Registrar of Voters Office to pay for the 2004 Democrat Presidential Preference Primary. Acct. #'s 01-1210-5130;01-1210-5421 and 01-1220-5140

A. CORPORATION COUNSEL Executive Session

1. Authorization to settle claim: Ernest Park, et al v. City of Norwalk, et al

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. Authorize the reduction of the Capital Budget appropriations for the West Rocks Code Project. Acct. #09015010-5777-C0055-Reduction: \$47,509
1. Authorize the reduction of the Capital Budget appropriations for the West Rocks Roofing Project. Acct. # 09015010-5777-C0194-Reduction: \$35,864
2. Authorize the reduction of the Capital Budget appropriations for the West Rocks Code/Roof Project. Acct # 09035010-5777-C0055 - Reduction: \$254,857

A. PUBLIC SAFETY & EMERGENCY PREPAREDNESS

1a. Approve and authorize the sole source procurement of Qty 2 Base Interface Modules for Fire 1 and Fire 2. Lowband channel to utilize existing Base Interface Module presently used for intercom. Qty 12 Channel Control Modules for 3 positions to control 2 fire channels. Lowband to utilize existing channel control modules. Add tone remote to low band control station. Approximately 30 buttons per position to control fire house alerting and siren alerting, Program Console, Installation from Northeastern Communications, Inc. for the amount of \$9650.00 Acct. #013630-5743

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment and services on behalf of the Norwalk Emergency Management Department of the City.

4a. Approve and authorize the sole source procurement of a Maintenance Agreement (for 1 year) for the 1 Racial Recorder installed at Norwalk Police Communications by Business Electronics, Inc. for \$5,600.00. Acct. # 0136-30-5258

4b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents,

including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment and services on behalf of the Norwalk Emergency Management Department of the City.

5a. Approve and Authorize the sole source procurement of Uninterrupted Power

Supplies & Batteries for (5) Transmitter/Repeater sites for Public Safety Radios by Northeastern Communications for \$14,708.00. Acct # 0300002660

5b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment and services on

behalf of the Norwalk Emergency Management
Department of the City.

6a. Approve and authorize the sole source procurement of Taser X-26 Model 26006 (description attached) from Tom Ashmore, Inc. for the amount of \$11,071.00 Acct. # 030000-2660

6b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment on behalf of the Norwalk Emergency Management Department of the City.

7a Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the Bureau of Justice Assistance,

Bulletproof Vest Partnership under the 2004 Bullet Proof Vest Partnership Grant program.

7b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2004 Bureau of Justice Assistance, Bulletproof Vest Partnership Grant pursuant to such grant funding.

C. PUBLIC WORKS COMMITTEE

1. Accept Old Farm Place as a City Street.

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Kohler Ronan, LLC to provide lighting design for Calf Pasture Beach parking lot for a total not to exceed \$5,900. Acct. # 09046030 5777 C0292

E. PERSONNEL COMMITTEE

1. Approve position Director of Information Technology - NASA - Grade 10.

F. PLANNING COMMITTEE

1. Approve the proposal from Michael B. Gold Associates, Inc. to prepare an update of the appraised value for Parcel #3 within the Reed Putnam Urban Renewal Project based on the revised Conceptual Site Plan as presented by Maritime Place, LLC upon approval of said plan by the Norwalk Redevelopment Agency and the Norwalk Common Council for Parcel #3.
2. Authorization for the Mayor, Alex A. Knopp, to enter into an agreement for an amount not to exceed \$8,000.00 to retain Michael B. Gold Associates, Inc. to prepare an update of the appraised value for Parcel #3 within the Reed Putnam Urban Renewal Project based on the revised conceptual Site Plan as presented by Maritime Place, LLC upon approval by the Norwalk redevelopment Agency and the Norwalk Common Council for Parcel #3. (FUNDING FROM DECD SPECIAL ACT 01-02 GRANT FOR REED PUTNAM URBAN RENEWAL PROJECT:
3. Approve the proposal from Westview Group, LLC to prepare a cost estimate of the extraordinary geotechnical costs associated with development of Reed Putnam Parcel #3 in conjunction with the appraisal update to be conducted by the City based on the Conceptual Site Plan approved by the Common Council on December 9, 2003.
4. Authorize the Mayor Alex A. Knopp, to enter into an agreement with the Westview Group, LLC for an amount not to exceed \$2,875 to prepare a cost estimate of the extraordinary geotechnical costs associated with development of Reed Putnam Parcel #3 in conjunction with the appraisal update to be conducted by the City based on the Conceptual Site Plan approved by the Common Council on December 9, 2003.

Mr. Poruban requested that Item IX, A 1 be removed from the consent calendar. Mr. Hempstead requested that Item VII, A I be removed from the consent calendar.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mayor Knopp asked if there were any objections to taking the agenda out of order. There were no objections.

VII. COMMON COUNCIL COMMITTEES

B. PUBLIC SAFETY & EMERGENCY PREPAREDNESS

2a. Approve and authorize the sole source procurement of Additional E9-1-1 Position from SBC/SNET for the amount of \$23,083.06 from Police Facility Project. Acct. # 09034031-5777-C0137

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment and services on behalf of the Norwalk Emergency Management Department of the City.

**** MS. BAIN MOVED APPROVAL OF BOTH ITEMS.**

Mr. Poruban recused himself and left the Common Council Chambers.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3a. Approve and authorize the sole source procurement of (2) Key Expansion Modules, (1) NGLS9 Telephone Card and associated labor from SBC/SNET for the amount of \$6,802. Acct # 013630-5741.

3b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents, including purchase agreements and contracts necessary or desirable in order to effectuate the purchase of the above-listed equipment and services on behalf of the Norwalk Emergency Management Department of the City.

**** MS. BAIN MOVED APPROVAL OF BOTH ITEMS.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Poruban re-joined the meeting.

A. FINANCE COMMITTEE

1. Authorize the Special Capital Appropriation for the Brien McMahon High School Project. Acct. # 09045010-5777-C0237-Supplemental Appropriation: \$26,315,808

**** MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

At this point in the meeting there was some confusion as to the Item being discussed.

(Mr. Hempstead's comments refer to Item VI A 1 regarding the Democrat Presidential Preference Primary) – he stated that political parties should not be supplemented by the taxpayers; he added that primaries should be paid by the political party involved.

**** MOTION PASSED UNANIMOUSLY.**

C. PUBLIC WORKS COMMITTEE

2. Approve the Resolution that the Sanitary Sewer Easement recorded in Volume 983 at Page 242 of the Norwalk Land Records which provides for a perpetual right of way over Smith Street in favor of the City of Norwalk is in conflict with the abandonment of Smith Street by Common Council Resolutions dated October 28, 2003, therefore the aforesaid easement is amended to (I) confirm the abandonment of any rights in favor of the City of Norwalk in and to Smith Street, (ii) limit the City of Norwalk's right of access to the sanitary sewer easement area to a restricted area of the residential building to be constructed as shown on the approved site plan; and (iii) to further provide for an access easement along the waterfront portion of the property in order to access that portion of the sanitary sewer easement; and it was Further Resolved, that Mayor Alex A. Knopp, is authorized to execute any and all documents necessary to implement and effectuate this Amendment.

**** MR. PORUBAN MOVED APPROVAL OF THE ITEM.**

Mr. Poruban indicated that Mr. Alvord (DPW Director) was available to answer questions.

Mr. Alvord showed visuals of the sanitary sewers. He said the issue is regarding the easement under Smith Street; he went on to say that there is a proposal to construct buildings on top of the sewer line. The language of the easement will allow them to direct the building owner to remove the building if they want access to the sewer for maintenance etc. He continued to say from a technical standpoint he could not see any reason for this to occur as any repair could be done through slip-lining or structural lining. It would cost them approximately \$2000 per foot to trench the sewer line up again and it would be less expensive if they could complete the repairs internally, without the trench. In the planning, the owner of the building would have to provide them with access.

Mr. Kimmel said without this change they would have the right to go in and have the building moved. Mr. Alvord concurred.

Mr. Kimmel said by doing this the architect would have to design the building in a manner that would allow for easy access so there are no problems later on down the road. Mr. Alvord said that was correct and added that that has already been incorporated into the design. He said they are concerned about the two access points that are under the building footprint. He referred again to the plan to illustrate this point.

Mr. Kimmel indicated that he considered this to be a good solution.

Mr. McQuaid asked if there was a break between the two points, they could logically ask the owner to take the building down.

Mr. Alvord replied that they would never have to do this. He said by using trenchless technology this could do any repair that might be required. This would be with the exception of hurricanes, floods, earthquakes or tsunamis that would totally destroy the pipe.

Mr. Hempstead said he had some concerns regarding building over sewer lines. He said by approving this it would mean abandoning the street that has water access thereby taking away public access.

Mr. Alvord said there is a walking path along the water's edge right now and none of that will be disturbed by the development.

Ms. Bain confirmed that Smith Street was abandoned during the prior administration.

**** MOTION PASSED THIRTEEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. HEMPSTEAD), ONE ABSTENTION (MR. MCQUAID) BY VOICE VOTE.**

F. PLANNING COMMITTEE

1. Approve the allocation of \$70,070.91 of PY29 CDBG funds to the Workplace, Inc. for "The Norwalk Jobs Funnel", and refer for further approvals to the Common Council.

**** MR. MIKLAVE MOVED APPROVAL OF THE ITEM.**

Mr. Miklave indicated that Mr. Johnson (Redevelopment Agency) was available for questions. He commended this administration and the Redevelopment Agency for their work on this.

Mr. Johnson presented a summary of the proposal.

Mr. Hempstead thanked the department for providing the back up material requested.

Mayor Knopp said the city is in the midst of its most substantial infrastructure investment program and they wanted to find ways for Norwalk residents to be able to benefit from the jobs created in the construction projects. He thanked Mr. Johnson, Mr. Sheehan and Ms. Kabel.

Ms. Olmstead-Sawyer referred to the back-up material and asked for an explanation on the term to train and retrain "qualified workers".

Mr. Johnson said he was not sure but he was happy to look into it and get her the details.

There was a brief discussion on the workers and their status.

Mr. Miklave said it was his belief that the citizenship of the individual is irrelevant and an employer cannot discriminate based on nationality; their responsibility is that somebody can lawfully work in the United States. He added that any contractor must pay the prevailing wages and benefits.

Mr. Johnson said one part of this program is taking unqualified workers and bringing them through every stage of job training up to the point where they are qualified.

Mr. Coffey asked how this would work with the unions.

Mr. Johnson said by working with the unions it is part and parcel of the program and that is how they will get their occupational training.

Mr. Coffey asked if the unions would be willing to take on (the candidate) once they are qualified.

Mr. Johnson replied that it is a more of matter of the persons going through the program working with the unions while they are getting their occupational training and being placed at job sites that will be union jobs. He said because the unions are integrated into the structure of the program there is a very high likelihood that the person going through the program will end up with the union.

Mr. Miklave said this is a very exciting program and a real opportunity for embarking on a very ambitious program for economic growth in Norwalk. He said it is a great idea as this is a win/win situation. He added that this is a program that has also been used in Hartford.

Mr. Hilliard said this is a very positive step and had seen it being used in New Haven.

Mr. Hempstead asked that after an individual has received training from the union are they required to be a union member.

Mayor Knopp said there is no city requirement that anyone join a union.

Mr. Krummel asked if there is any anticipation for the people completing this program to be able to enter into the major projects that the city is undergoing right now (Brien McMahon High School, Police Station etc.)

Mr. Johnson said the city projects that the city is undergoing right now are integral to the proposal.

Mr. Krummel said the Brien McMahon construction has started already and asked when this training project would begin.

Mr. Johnson as soon as it has been voted upon tonight.

Mr. Krummel referred to the performance measurement asking for an explanation of the observations.

Mr. Johnson explained that the numbers are based upon the experience in Hartford. He said at each stage along the way, the individuals that do not advance to the next stage are referred to literacy programs or to non-construction industry jobs, if construction is not for them.

Mr. Krummel asked how closely are they working with the union apprentice program.

Mr. Johnson said they are integral to the program and are part of the structure.

Mr. Krummel said this is a very important development and highly commended Mr. Johnson, the Mayor and all the other involved with the program.

Ms. Olmstead-Sawyer asked if they had started advertising yet.

Mr. Johnson gave examples of all the ways they intent to advertise for example the Norwalk Housing Authority and NEON.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

A. LAND USE COMMITTEE

1. Authorize the Purchasing Agent to issue a Purchase Order to Dell Computer Company for 10 Dell Personal Laptop Computers Model Inspiron 8500 at a unit price of \$1,721.00 for a total amount not to exceed \$17,210.00 Acct. # 09035010 5777 C0112

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel said he was grateful to Mr. Poruban for removing this from the consent calendar because it very much needs discussion. He started off by saying that this council is composed of volunteers, totally dependent on the integrity and accuracy of the material that is presented to act on.

Mr. Krummel said he was pleased that the Mayor had the foresight to set up the ITT Committee to help the city in gaining its technological development and is one of the committees that this council is dependent upon. He added that it was with great disappointment that he saw in this case, the request for authorization to purchase the ten computers, that they have had a lapse, misrepresentations and an ignoring of the ITT committee. He went on to say that he considered it necessary that the council reinforce, all those that are coming to it for authorization for funds or support, the need to have present, thorough, complete and detailed presentations that will enable the council to take the appropriate actions.

**** MR. PORUBAN MOVED TO REFER THE ITEM BACK TO COMMITTEE.**

There was discussion regarding meeting dates.

Mr. Kimmel requested that this Item also go back to the ITT Committee and to present a proposal for the next council meeting.

Mr. Hempstead noted the lack of back up material at committee level.

Ms. Bain said in terms of the review by the ITT she said they had to be cognizant of the fact that many of the staff are also heavily involved with the Brien McMahon project that is going through a very intense time now.

Mr. Krummel noted that the issue they are dealing with tonight is not the first time he had seen something like this, as Chairman. He said he had talked with the staff today but he was of the belief at this point that they are going to be able to sit down and come to an understanding of what is required to present to the Council. The best way to accomplish that is to send this back to committee.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

VI. RESOLUTIONS FROM COUNCIL MEMBERS

There were none this evening.

X. SUSPENSION OF THE RULES

There were none this evening.

XI. ADJOURNMENT

**** MR. PORUBAN MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting was adjourned at 9:25 pm.

ATTEST: _____

Mary Roman, Assistant City Clerk