

Common Council Actions

COMMON COUNCIL

ACTION

MAY 13, 2003

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, May 13, 2003, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8:15 p.m.

I. ROLL CALL

Betsy Bain	Jeannett Olmstead-Sawyer (9:15 p.m.)
Kenneth Baker	Christopher Perone
Fred Bondi	Kevin Poruban
Carvin Hilliard	Judith Rivas
Barbara Hudgins	Douglas Sutton
William Krummel	Peter Wien
Bruce Kimmel	William Wrenn
Matthew Miklave	

II. ACCEPTANCE OF MINUTES

A. Regular Meeting of April 22, 2003

**** MR. BONDI MOVED APPROVAL OF THE MINUTES OF APRIL 22, 2003.
** MOTION PASSED WITH 13 VOTES IN FAVOR, 2 ABSTENTIONS
(MR. KRUMMEL, MR. KIMMEL)**

III. PUBLIC PARTICIPATION

Ms. Lauricella spoke regarding the Land Use and Building Management changes of tracking and monitoring costs with school buildings.

Her second comment was with regard to the changes being made to monitor the trails and natural paths in the parks. She asked that an addition be made to the contract regarding walking trails. She suggested that digital pictures be taken before the park is used, during racing events and then after to see what damage takes place.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

There were no resignations and appointments.

B. REMARKS

The Mayor welcomed back Pam Stark, City Clerk, after major surgery and recovery.

There will be a portable john placed on the baseball field at City Hall for use by attendees of events.

Tonight is the last meeting in which Dirk Perrefort, of The Hour, will be reporting on Council meetings, as he will be working in Milford. The Mayor thanked Mr. Perrefort for his accurate reporting and humor in presenting Norwalk and its events to the public.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

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

VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS

A. BOARD OF ESTIMATE AND TAXATION

FY2002-03:

- 1. RESOLVED**, that a sum not to exceed \$7,000 be and the same is hereby transferred from Contingency to the City Clerk's Office to pay for expected shortfall for typing services. Account No. 01-0400-5225
 - 2. RESOLVED**, that a sum not to exceed \$25,500 be and the same is hereby transferred from Contingency to the Personnel Department to pay for expected shortfall in legal services due to labor negotiations. Account No. 01-0700-5258
 - 3. RESOLVED**, that a sum not to exceed \$15,000 be and the same is hereby transferred from Contingency to the Police Department to pay for building maintenance at the Police Substation. Account No. 01-3054-5241; 01-3054-5266
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VII. COMMON COUNCIL COMMITTEES

A. PLANNING COMMITTEE

1. Approve a request from the Redevelopment Agency to the Common Council for an extension of the time for the use of the power of eminent domain to acquire the following property:

OWNER ADDRESS EXTENSION DATE
Florinda Trofa 25 Putnam Avenue October 14, 2003

C. PUBLIC WORKS COMMITTEE

- 1a.** Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Deering Construction for Project No. 4R 2003-3, Proposed Bituminous Concrete Permanent Pavement Repair within the Southern Section, for a sum not to exceed \$87,225.
- 1b.** Authorize the Acting Director of Public Works to issue Orders on Contract to Deering Construction, for Project No. 4R 2003-3, Proposed Bituminous Concrete Permanent Pavement Repair within the Southern Section, for a sum not to exceed \$8,722. Account No. 03 0000 2602
- 2a.** Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Deering Construction for Project No. 4R 2003-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section, for a sum not to exceed \$87,225.
- 2b.** Authorize the Acting Director of Public Works to issue Orders on Contract to Deering Construction for Project No. 4R 2003-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section, for a sum not to exceed \$8,722. Account No. 03 0000 2602

3. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with A.J. Penna & Sons for Project No. DRG 2003-1, Proposed General Drainage at Various Locations, for a sum not to exceed \$197,376.50.

Account No. 01 40 21 5573 (fy 02/03)

09 04 4027 5777 C0302 (fy 03 / 04)

4. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Deering Construction for Project No. RD 2003-1, Proposed Bituminous Concrete Sidewalk and Curbs at Various Locations, for a sum not to exceed \$61,500.

Account No. 01 40 21 5268 (fy 02/03)

01 40 70 5572 (fy 02/03)

09 04 4021 5777 C0285 (fy 03 / 04)

5a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement between the State of Connecticut, Department of Transportation, and the City of Norwalk, for the design and construction of a left turn lane and signal installation of U.S. Route 7 at Foxboro Drive, Project No. 102-311, and to execute any amendments, revisions or other documents relating to said agreement as amended to give the City the right to cancel if available funding is exceeded.

5b. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Foxboro Condo Association based on the proposed terms of agreement as approved by the Public Works Committee.

6. Authorize the Director of Public Works to issue Orders on Contract to FGB Construction, for Project No. 4R 2002-1, Proposed 4R Pavement Management Program, for a sum not to exceed \$85,000 for sidewalks and curbs on Mack Street and Knorr Street. Account No. 09 00 4021 5777 C0111, 09 04 4021 5777 C0285

D. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

1a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut, Department of Transportation under the 2003 DUI Vehicle Enforcement Grant.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2003 DUI Vehicle Enforcement Grant funding.

2a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut, Department of Transportation, Division of Highway Safety, Traffic Enforcement Equipment Program Grant.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the Traffic Enforcement Equipment Program grant

from the State of Connecticut, Department of Transportation, Division of Highway Safety, pursuant to such grant funding.

E. FINANCE

2. For Informational Purposes Only: Delinquent Tax Report dated May 3, 2003
3. For Informational Purposes Only: Narrative on Tax Collections dated May 7, 2003
4. Authorize the Mayor, Alex A. Knopp, to sign a contract with Scillia, Dowling & Natarelli, LLC to perform the City Audit for the Fiscal Year Ending June 30, 2003 for a sum not to exceed \$84,000.00. The Board of Estimate authorized the appointment on April 7, 2003.

F. PERSONNEL COMMITTEE

1. Reinstate Nurse Practitioner Position in Health Department.

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

B. OTHER GENERAL COUNCIL BUSINESS.

Ms. Rivas stated the Ordinance hearing will be May 20 at 6 p.m. regarding use of alcohol in the City by minors.

VII. COMMON COUNCIL COMMITTEES *(Continued)*

B. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Muddy Sports Group to utilize Cranbury Park for their 20th Annual Jack Rabbit Run Mountain Bike Classic to be held Sunday May 18, 2003 from 7:00a.m. - 7:00 p.m. Estimated attendance 700.

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

Mr. Wrenn stated he reluctantly supported the event since the owner walked the trails with staff. He felt that this event will have a severe impact on the trails as it is run twice per year. He asked that this event be held once per year and in the Fall because during the spring the soil is more easily compacted than in the Fall. He felt the race being run in four cycles per event impacts the plant and wildlife. He said that Cranbury Park should be treated more carefully as the major park in Norwalk.

Mr. Wien commented that he had reservations about the racing event. He noted that other motorized vehicles, which create a lot of damage, are using the park. He stated with so many racers in a short period of time it would certainly impact the park. He stated that people using off road vehicles in the park must be looked into by the City.

Mr. Miklave said he appreciated Ms. Lauricella's suggestions. He suggested a video camera as an even better idea to know how the trails looked before and after. This would protect the sponsor and the City.

Mr. Bondi expressed thanks to the department and DEP from Sherwood Island for walking the park with Council and staff. He stated there will be a walk through prior to and after the race. He suggested a park ranger for security be installed to discourage motor bikes in the park.

Mr. Perone said it is important to note that taking pictures before and after is a good idea and should be used to study the park and how it is being used. Once a better understanding is determined, the City will then be able to make better decisions on managing the trails.

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

2. Authorize the Mayor, Alex A. Knopp to execute a Location Agreement with Paramount Pictures, Inc. for the purpose of allowing filming to take place at Lockwood-Mathews Mansion in connection with the movie "The Stepford Wives." The terms of the agreement are set forth in the attached Location Agreement.

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

Mr. Bondi explained the terms for the use of the Mansion.

Mr. Wrenn asked how the amount came to be. Mr. Wrenn felt that the amount being paid for using the mansion is insufficient. He asked why more money could not be obtained.

Mr. Wein stated that the user pays a fee and performs redecorating that adds to the income for the City. He has had experience in the area and this is not an uncommon practice. When the event is over, the owner, in this case the City, keeps the material enhancement of the property.

Mr. Bondi stated that they are paying \$70,000 and they will be remodeling the mansion and adding carpeting. The museum staff will be on hand and paid by Paramount Pictures to direct the work.

Mayor Knopp expressed that this was a good move for the City. It will require local union labor and non-union labor, vendors and others to obtain work. It will also give credibility to Norwalk as a City open to working with the movie industry possibly drawing others to the City.

**** MOTION PASSED WITH 13 VOTES IN FAVOR, ONE OPPOSED (MR. WRENN).**

3. Authorize the Mayor, Alex A. Knopp to enter into a Lease Agreement with Stew Leonard's for the operation of the Concession building at Calf Pasture Beach for the 2003 season with an option to renew for one additional season.

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

Mr. Miklave questioned only receiving \$6,000 in rental fees for the first year. The Mayor stated that the total financial package is an advantage to the City. Mr. Mocciaie, Director Park and Recreation, stated that three proposals were made and some were incomplete. The vendors were interviewed individually and rated accordingly. It was a 10-point criteria list. Out of that unanimously, Stew Leonard's was the choice. He stated that Coffee Creations' offer was \$7,500 for both years of service. They did not compare to what Stew Leonard could bring into the concession, although their rent offer was higher.

Mr. Wien asked if there will be enough money at \$20,000 for the facility to be improved. He noted that \$50,000 will be equipment. Mayor Knopp noted that the equipment is part of the improvements. The vendor will handle the improvement of the air conditioning system as well. The new item is the scope that Stew Leonard's will invest in the contract, which will be an advantage for the City.

Mr. Wien asked about the two tents and where they will be positioned. They will be opposite the basketball site allowing food to be taken out to that area to eat. There will be push carts for beverages and novelties. Vending machines will be allowed at the discretion of the Director.

Mr. Wien asked whether this contract will continue with the existing concessionaire or go out to bid. Mr. Mocciaie stated that it is anticipated that the item will go out to bid after Stew Leonard's exercises its one year option renewal in the contract.

Mr. Kimmel asked how non-residents will enter the beach and use the concession. Mr. Mocciaie responded that a pass will be issued at a cost of \$5 for going to the restaurant. There will be a time stamp that will indicate whether the \$5 would be returned. If they stay longer than one to two hours they would have to pay \$10.00. This will be a total cost of \$15.00 to go into the Park per vehicle.

Mr. Kimmel questioned the wine tasting event as a fund raiser. He did not understand why a charity would use the beach with basketball courts. He commented that it would seem that the wine tasting might be connected to his liquor business. Mr. Mocciaie stated that Stew's is looking to use the location for some of its events. He could not say it is a correlation between his liquor store and the beach.

Mr. Kimmel expressed that this will change the beach radically. There has not been a place to eat when fishing or swimming or just enjoying the park. He stated he hoped that Stew's could be retained after two years as this may bring in people that would not go

there otherwise. He stated Stew's is internationally known and what Stew's will present would bring in many people and purport a good reputation for the City.

Rev. Olmstead-Sawyer arrived at 9:15 p.m.

Mr. Krummel said it is an advantage to the City and Stew's. His concern was about signage. Mr. Mokkaie stated the signs will not be like those on the Stew Leonard premise. The signs will be monitored and approved by Zoning. Mr. Krummel commented on the department's work on this project and other events that are planned for the beach this summer as being very good.

Mr. Miklave thanked Mr. Bondi and the department for their effort on this project. He stated that Coffee Connection has done a tremendous job in both railroad stations. Stew's had enhanced the traffic flow in their base area and provided road changes to the advantage to the City. He felt that Coffee Connection would be a better choice, however, for the beach.

Mr. Baker asked if the pass is something new. Mr. Mokkaie stated that this was in place when the whole idea was started. It was not just developed.

Mr. Wrenn asked what the seasonal lease payment was prior to this new set up. Mr. Mokkaie stated that it started at \$6,000 and escalated to \$12,000. The vendor was unable to manage with the increases, so \$6,000 was all that was received.

Mayor Knopp said the financial agreement with Stew's is by far the best for the City. The fact that it will be up and running by Memorial Day was unmatched by others. It also was the best financial instrument to be developed in the short period of time. He thanked Ed Schmidt, Mike Mokkaie, Alan Lo, Fred Bondi and Jerry Foley in their efforts to bring this to fruition

There will be a kick off on June 2nd with the car show, band and promotion activities sponsored at the beach with respect to the concession and the summer season.

**** MOTION PASSED WITH 13 IN FAVOR, TWO IN OPPOSITION (MR. WRENN, MR. MIKLAVE).**

D. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS *(Continued:)*

3. Technical correction of item authorized at the April 22, 2003 meeting.
Authorize the Mayor, Alex A. Knopp, to execute any and all documents and agreements necessary for the City to enter into a secondary License Agreement with the **Greater Norwalk Amateur Radio Club** for the use of the SNET tower at 10 Willard Road in Norwalk.

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

Mayor Knopp commented that this was a technical correction of the item authorized at the April 22, 2003 meeting.

**** MOTION PASSED WITH 14 VOTES IN FAVOR WITH ONE ABSTENTION (MR. PORUBAN).**

E. FINANCE *(Continued:)*

1. Accept and Approve the Report of the Claims Committee Dated May 7, 2003.

Mr. Miklave recused himself from the Council Chambers on this item.

**** MR. KIMMEL MOVED APPROVAL OF THE REPORT OF THE CLAIMS COMMITTEE DATED MAY 7, 2003.**

**** MOTION PASSED WITH 14 VOTES IN FAVOR, ONE ABSTENTION (MR. MIKLAVE).**

Mr. Miklave rejoined the meeting.

G. LAND USE AND BUILDING MANAGEMENT

1. Proposed amendment to Chapter 30 of the Norwalk Code- Capital Projects Program.

**** MR. KRUMMEL MOVED APPROVAL OF THE PROPOSED AMENDMENT TO CHAPTER 30 OF THE CODES OF THE CITY OF NORWALK.**

Mr. Bondi recused himself from the Council Chambers on this item.

Mr. Krummel proposed two additional changes to the final draft.

**** MR. KRUMMEL MOVED TO AMEND SECTION 30-15.3D TO STATE "THE MAYOR SHALL DESIGNATE ONE OF THE TWO COUNCIL MEMBERS..."**

**** AMENDMENT APPROVED BY VOICE VOTE WITH 14 VOTES IN FAVOR.**

**** MR. KRUMMEL MOVED TO AMEND SECTION 30-16 BY ADDING ITEM B AND CHANGING THE EFFECTIVE DATE FROM JULY TO AUGUST 1, 2003.**

**** AMENDMENT APPROVED BY VOICE VOTE WITH 14 VOTES IN FAVOR.**

Mr. Krummel stated that this is an effort to perform on-time completion of capital projects within the City. He stated this offers a good means of assuring a capital budget program. He said that this will definitely be supportive of the Brien McMahon project.

Mr. Kimmel commented that the former design caused problems as it was a combination of City buildings and then also school building issues. He said in the past the committee had to make judgements on engineering and architectural issues. He said that of all the decisions made and to be made, this decision will save thousands of dollars in cost for labor and litigation. He said this was long over due. He said this will make everyone job easier on the Council and in City Hall.

Mr. Perone commented this group will make the 19 projects that are in the mix more cost effective and be better for Norwalk.

Mr. Krummel commented on the statement of Mr. Kimmel that the former committee was a "two headed monster." Mr. Lo has done a lot work for the group and will continue to support the new NFCC. He stated that a clerk of the works would be selected that should be able to cover the oversight of the program general manager. Doing a quality job will be very dependent upon the general manager. It will be a challenge for both the general manager and the Commission.

Mayor Knopp added that he wished to thank Alan Lo for his diligent work on the City projects. This commission will be expanding Mr. Lo's responsibilities. He also thanked Mr. Krummel for his professional view of the growing number of projects and has help guiding the Council. The shift in responsibility reflects the work performed by Mr. Krummel to create the NFCC. Mr. Schmidt was complimented for his work since 2001 on this project. His work has been of great value to the project.

Mayor stated that this Ordinance reflects a strong reform in the operations of Norwalk's work. There has been a facilities plan for the BOE, a City wide construction plan and tonight's development of the ordinance will allow a successful implementation under the Financial plan. Mayor Knopp said this fulfills a major pledge made regarding construction in Norwalk he made during his campaign. He thanked all the members of the Council for their work and support.

**** MOTION AS AMENDED APPROVED BY VOICE VOTE WITH 14 VOTES IN FAVOR.**

Mr. Bondi rejoined the meeting at 9:10 p.m.

VIII. RESOLUTIONS FROM COUNCIL MEMBERS

There was no action on this item.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

Tabled from April 22,2003 meeting

D. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Norwalk Public Schools to file an application for a School Building Grant with the State Department of Education for Roofing Projects at Roton Middle, Wolfpit Elementary, Jefferson Elementary, Silvermine Elementary and Kendall Elementary Schools.

2. Authorize the preparation of schematic drawings and outline specification for the Roofing Projects at Roton Middle, Wolfpit Elementary, Jefferson Elementary, Silvermine Elementary and Kendall Elementary Schools.

**** MR. KRUMMEL MOVED TO AMEND MOTION ONE AND TWO BY REMOVING KENDALL ELEMENTARY SCHOOL FROM THE MOTION AS KENDALL ELEMENTARY WAS HANDLED IN A PREVIOUS COUNCIL MEETING.**

Mr. Miklave wished to clarify that removing Kendall from the list would not impact other school projects.

**** AMENDMENT APPROVED BY VOICE VOTE WITH 14 VOTES IN FAVOR.**

Mr. Krummel explained that the total number of school roofs to be included would be eight in total to be performed this summer.

**** MOTIONS ONE AND TWO AS AMENDED APPROVED BY VOICE VOTE WITH 14 VOTES IN FAVOR.**

X. SUSPENSION OF THE RULES

There were no items requiring suspension of the rules.

VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS*(Continued:)*

B. CORPORATION COUNSEL EXECUTIVE SESSION

1. Approve the appointment of Gregory J. Cava of Zeldes, Needle & Cooper of Bridgeport as Special Counsel for the purpose of trying the case of Roton Point v. City of Norwalk (see attached)

The Mayor suggested taking up this item at the end of the regular meeting as it was to be conducted in executive session.

**** MR. MIKLAVE MOVED GO INTO EXECUTIVE SESSION TO DISCUSS THE APPOINTMENT OF LEGAL COUNSEL.**

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

Ms. Bain recused herself and left the Council Chambers.

The Mayor moved the Regular Common Council meeting into executive session at 9:50 p.m.

Executive session ended 10:02p.m.

Meeting adjourned at 10:04p.m.

ATTEST: _____
Pam Stark, City Clerk

