

Common Council Actions

**COMMON COUNCIL JUNE 24, 2008
NORWALK, CONNECTICUT 8:00 P.M. 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.**

Mayor Moccia opened the meeting at 8:20 p.m. and led the assembly in the Pledge of Allegiance. Rev. Bolden requested a moment of silence in remembrance of thirteen year old Nicholas Parisot who died recently. Mrs. Parisot has been very active with the Friends of Cranbury Park and involved with other Norwalk groups.

I. ROLL CALL

Ms. Roman called the roll.

PRESENT:

Fred Bondi Amanda Brown
Michael Geake Douglas Sutton
Steven Serasis Nicholas Kydes
Carvin Hilliard Rev. Phyllis Bolden
Kelly Straniti William Krummel
Laurel Lindstrom Douglas Hempstead
Richard Bonenfant Richard McQuaid

ABSENT: Andrew T. Conroy

Ms. Roman announced that there were fourteen (14) members present and one (1) absent. The Mayor announced that Mr. Conroy was in the hospital.

II. ACCEPTANCE OF MINUTES

Regular meeting – June 10, 2008

**** MR. BONENFANT MOVED THE MINUTES OF JUNE 10, 2008.**

The following correction was noted:

Page 9, paragraph 1, line 4: please change “concerns about the bid process.” To “concerns about the re-appropriation.”

** THE MOTION TO APPROVE THE MINUTES OF JUNE 10, 2008 AS CORRECTED PASSED WITH TWELVE IN FAVOR (BONDI, BROWN, GEAKE, SUTTON, SERASIS, KYDES, HILLIARD, BOLDEN, STRANITI, LINDSTROM, HEMPSTEAD AND BONENFANT) AND TWO ABSTENTIONS (KRUMMEL AND MCQUAID).

III. PUBLIC PARTICIPATION

Let it be noted that the following comments and remarks by all speakers have been summarized and are not necessarily verbatim.

Ms. Diane Lauricella came forward and addressed the Council. Ms. Lauricella stated that she lives on Marlborough Road. She said that she would be representing the League of Women Voters. She said that she was looking at the process and requested the Council to delay the vote regarding the use of the Meadow Street transfer station and sent that issue back to Committee. She then asked if the Health Department, Planning and Zoning, and Human Relations were consulted as part of the bid. Ms. Lauricella pointed out that this proposal was not part of the Master Plan. She said that it would be good to build up a dialog with the various concerned groups. This was the issue of not degrading neighborhoods and their quality of life, which is stated in the Master Plan repeatedly. She also asked if other transfers stations were considered. Ms. Lauricella said that she was a paid professional and asked if there was an independent study. She said that Mr. Hempstead said that on the mark in his comment.

She then handed in petitions for Open Government encouraged those present to applaud to show their approval of the petition.

Mr. John Frank came forward and said that he supported open government. He acknowledged that there was hard work done by the Public Works Department. He then listed a large case that had been just settled three years ago and with large fines in the garbage industry. Mr. Frank reviewed the details of the lease and pointed out that City Carting had purchased the site and would be leasing it to the City. He asked why the City needed to rent a facility so far from the turnpike. Mr. Frank had several other questions regarding the leases for the Council to consider.

He then submitted copies of his remarks to the Council. Mayor Moccia pointed out that City Carting was vetted outfit and operated out of Stamford.

Mr. Keith Kreter came forward and said that he lives on Dock Road. He asked whether his pick up truck would be going to Meadow Street. He said that he appreciated the concern about Devon Place but that when he drove by the playground, there was never anyone there. He also pointed out that there is a playground on Meadow Street, which would be affected by the increase in traffic.

Ms. Jacqueline Labell of Outer Road said that she had lived in Norwalk for 45 years and seen the impact of the infringement on the neighborhood. She asked if others would like

such degrading in their neighborhood. She also asked if this would make more waterfront property available for high end condominiums.

Ms. Missy Conrad came forward and said that she lives on Mary Austin Place, in Silvermine. She said that she had always received a letter from the City when things were happening at the Silvermine playground. She was upset that this was apparently not done in regards to Meadow Street and said that politeness had been lost.

Ms. Conrad also felt that Charter Change was needed. She said that the Council members deserve a larger financial stipend for their work. She then added to Mr. Alvord that he was efficient but that working with the citizens and people need to be polite. She then expressed concerns about keeping the trucks off of Wilson Avenue and out of other areas in the City.

Mr. Charles Taney said that he lives on Outer Road. He said that the Meadow Street had been paved and that it was done in 2001 but the asphalt could have deteriorated and the leachate could leak in to Village Creek. He said that he was part of Open Government organization and urged the Council not to approve the proposed measure.

Ms. Deborah Kreter of Dock Road came forward and said that she appreciated the opportunity to see the presentation. She said that she had concerns about the 6:00-a.m. to 8:00 a.m. peak traffic hours and asked about the noise ordinances. She said that she passes the Meadow Street daily and that the traffic counters were still there. She asked if the dates were consistence with the study because the school buses weren't going there. Mr. Kreter said that she assumed that the trucks would be backing up into the bays and beep. She said that Crescent Street had many ways to get in and out, but now there is only one way in and out of Meadow Street.

Rev. Lindsay Curtis came forward and said that he was representing the NAACP and the membership of the Grace Baptist Church of Norwalk. He asked what other option have been looked into. He said that the turnout tonight was evidence of the concerns and asked that the vote be delayed and the Council to look at other options. He said that the City residents want a beautiful city, but not at the expense of clean neighborhood.

State Representative Bruce Morris came forward and said that he was present as a State Representative and asked to table the vote so that the new studies could be read and understood. He asked what things had been done to mitigate the environmental concerns. He said that the public had not seen a comparison of the figures. Mr. Morris said that he had an email from CRRA, which gave different numbers. He said that the new State Law read that no group, either racial or economic should suffer environmental threats because of their location.

Ms. Eliza Bracey came forward and said that she lives on Meadow Street. She said that she was speaking for herself and other neighbors. She said that she was disappointed because there were a lot of children on the street. There are two junkyards on the street, along with FedEx and many other trucks. She said that her house shakes when trucks go

by late at night. She also mentioned there were flooding issues. She then asked that the vote be delayed and that other options be considered.

Ms. Bitsy Farnsworth came forward and said that she was impressed with the first presentation. She also visited the Stamford and could only catch a whiff of the smell. She called a community center and the director then told her that the garbage smell was terrible and that the owner often has to call the City Carting. She said that Harbor View was just short by 200 feet of being a half a mile from the transfer station. Village Creek is directly across the creek from the site.

Ms. Anne Farrow came forward of Harborview and said that over the past weekend she had gotten a postponement of the vote until more information was available. The people in Harborview are more concerned about quality of life issues. She also asked whether two and a half million was enough in case there was an environmental incident. She asked what kind of penalties there were in case there were odors or other problems from the site.

Ms. Helen Marshall came forward and said that she was also from Harborview. She then said that she had concerned about the routing of the trucks. Woodward Avenue is too narrow. Traffic should come down Martin Luther King and onto Wilson.

Ms. Patricia Genuario came forward and said that she was a life long resident of Harborview. She said she had concerns of the routing of the trucks and asked about the zoning designations was for the site, and what the alternative was if Meadow Street was not approved. She also expressed concerns that the decision to move the garbage to Meadow Street was a concession to the 95/7 developers. She asked that this proposal not be rubber stamped. South Norwalk residents are tired of being dumped on.

Ms. Price Snedaker of Harborview came forward and said that the next ten years is her son's entire childhood. She then said that when she is on Meadow Street, there is never a time when she travels the street without stopping several times because there are so many obstacles, such as busses and trucks. Wrecked cars are left on that street; there are spontaneous fires and other things.

Mr. Kurt Schaaf of Golden Hill came forward and said that he was concerned about the procedures being rushed and didn't believe that the Council had all the paperwork involved. He asked that the decision be tabled. The potential for endless lawsuits is there.

Ms. Eileen Bleeks-Dietl said that she was tired of South Norwalk being dumped on. She lives on Baxter Street and there is no one directing traffic. Trucks are backing up and buses threading through the traffic without any safety measures.

Mr. Mailing said that he had lived in Norwalk and had some concerns about the number of trucks on the road. He did not see how the figures could indicate there would only be an increase of 2.7 trucks per hour, unless it was only for four hour period. He also said that there was a strong indication that if Norwalk did not go along with this issue, then

someone else might come in and manage the facility, but thought there were other alternatives.

Another Norwalk resident named Yolanda came forward and said that she had live there for five years in Meadows Garden. She said that her road gets very busy and that she has to close her windows against the stench. She said that there are about 30-40 kids living in the development. She then asked how the stench would affect the children in that area. She asked the council not adding more stress into the lives of the children who live in that area.

Ms. Nell Mann came forward and said that she lives on Lawrence Street. She then asked what the City would do for the elderly and the children. She said that the junk yard made a lot of noise and there was smoke. She said that there are children with asthma in the area.

Ms. Rosa Mae Brown came forward and said that she lives on Burritt Avenue. She said that there are 18 wheelers, bus traffic and other large trucks going up and down the street. She said that things were being pushed into South Norwalk and that the garbage trucks start at 4:30 a.m. She said that she had called and asked about getting help with the children running across the street. She said that she was told it was a State road, so the City could not help. She then pointed out that a traffic light had been put on Water Street for the boaters and asked why the children on Meadow Street were not being helped. She then asked why the boats were more important than our children.

Ms. Daisy Franklin of 82 South Main Street came forward and asked that the council table the item until there was more information available.

Mr. Jack Snedaker came forward and said that he is a student at Rowayton School. When the bus arrives at Harborview, it goes by Meadow Street. The bus has to stop frequently and he is often late for school. Norwalk is a historic town and having garbage and trucks is not good for the Town. Rowayton has pushed the trucks on to South Norwalk.

Ms. Laurene Townsend came and said that she had grown up in Meadow Gardens. She now lives two blocks away. She said that she had watched Woodward Avenue develop and said that there is some construction by her house. She wondered if that construction was related to the Meadow Street project. She said that she looked at it and it looks like a foundation has already been poured. She said that another resident has had a number of cars run into his yard because of the way the road is laid out. Last year, her yard and basement flooded and there is no storm drain on Lincoln Avenue Extension. The nearest storm drain is on Woodward Avenue. She then asked the Council to consider the residents who would be affected by this project.

Rev. Sonja Merrill who lives on Burritt Avenue said that she had concerns about health issues. All three of her adopted children have respiratory problems. One of the children is a severe asthmatic.

Rev. Merrill then said that she was concerned about pest control and the value of her property. And she was concerned about the children having a safe place to play now. She said that her street has a deaf child in residence and they can't even get speed bumps to slow the traffic down.

The Mayor asked if there was anyone else present who wished to address the Council. Hearing none, Mayor Moccia closed the public participation portion of the meeting.

The Mayor added that he appreciated hearing all the concerns of the residents. He said that he had never had any discussions with 95/7 developers about moving the transfer station

Regarding Meadow Street, the Mayor did not believe that City Carting was the culprit on the trucks backing up. He believes that the problem is somewhere else. He said that it would be his responsibility to make sure that Meadow Street was better policed.

Regarding transparency, the Mayor said that the process has been in the works for over a year and that the Council had approved the hiring of Holland and Knight, who have a sterling reputation. He pointed out that there are also people who live on Merwin, Crescent and Orchard, also, who will be affected by this change. He said that any information that was not covered by the non-disclosure clause was an error of omission and that it was not covert. Mayor Moccia said that CRRA was not the answer to the problem and proceeded to illustrate this by giving two examples of lawsuits CRRA was currently involved in.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: There were no resignations to announce at this time.

Appointments: There were no appointments to consider at this time.

Reappointment: Frederic Gilden, Comptroller, City of Norwalk

**** MR. KYDES MOVED TO APPROVE THE REAPPOINTMENT OF MR. GILDEN AS THE COMPTROLLER FOR THE CITY OF NORWALK.**

**** MR. BONDI SECONDED.**

**** THE MOTION PASSED WITH THIRTEEN IN FAVOR (BONDI, BROWN, GEAKE, KRUMMEL, SERASIS, KYDES, HILLIARD, BOLDEN, STRANITI, LINDSTROM, HEMPSTEAD, MCQUAID AND BONENFANT) AND ONE ABSTENTION (SUTTON).**

B. REMARKS

The Mayor had no additional remarks at this time.

RECESS

Mayor Moccia said that he appreciated all the comments and called for a recess at 9:40 p.m. The meeting was reconvened at 9:45 p.m.

V. COUNCIL PRESIDENT

Council President Bondi said that he appreciated all the comments and that garbage was a problem for every community.

A. GENERAL COUNCIL BUSINESS

Council President Bondi announced that there was no general Council business at this time.

B. CONSENT CALENDAR:

Council President Bondi noted that Agenda Items VII C 1 and VII C 5 should read “Approve the rental of the Show mobile” rather than “Approve the use of the Show mobile”.

**** COUNCIL PRESIDENT BONDI MOVED THE FOLLOWING ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR:**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: JUNE 12, 2008.

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTION DATED JUNE 12, 2008.

4. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO ENTER INTO A CONTRACT WITH WALKER PARKING CONSULTANTS TO CONDUCT AN INDEPENDENT MANAGEMENT REVIEW OF THE NORWALK PARKING AUTHORITY IN AN AMOUNT NO TO EXCEED \$46,000. ACCOUNT#011310-5253 AND PARKING AUTHORITY ACCOUNT #21409J-5258.

B. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO FLETCHER THOMPSON, INC.

ARCHITECTURAL/ENGINEERING DESIGN SERVICES CONTRACT FOR A TOTAL NOT-TO-EXCEED \$ 9,000 FOR PROVIDING DESIGN SERVICES ASSOCIATED WITH THE MAIN LOBBY ENTRY CEILINGS AT THE NORWALK HIGH SCHOOL PROJECT, ACCT #0904-5010-5777-B0310.

2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY AND RECEIVE FUNDS FROM YANKEE GAS/ NORTHEAST UTILITIES GAS CONSERVATION INCENTIVES PROGRAM FOR THE BEN FRANKLIN CENTER HEATING SYSTEM IMPROVEMENT PROJECT.

3. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH COFFEE CREATIONS, INC./CONNECTICUT BAGEL & COFFEE TO PROVIDE NEWS STAND SERVICES AT NORWALK CITY HALL ON AN INTERIM BASES, BEGINNING ON JULY 1, 2008 TO OCTOBER 31, 2008.

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. APPROVE THE RENTAL OF THE SHOW MOBILE FOR REVIVAL FEST '08 BY THE NORWALK ASSOCIATION OF EVANGELICALS TO BE HELD ON FRIDAY, JULY 18, 2008 AND SATURDAY, JULY 19, 2008.

2. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH THE YMCA OF NORWALK TO HOST AN OPEN WATER SWIM TO BE HELD AT CALF PASTURE BEACH ON SUNDAY, AUGUST 24, 2008 FROM 6:00AM – 1:00PM. ESTIMATED ATTENDANCE 100+

3. APPROVE THE WAIVER OF GATES FEES FOR OUT OF TOWN TEAMS AT VETERAN'S PARK FOR THE LITTLE LEAGUE DISTRICT ONE AND FRIENDSHIP TOURNAMENT TO BE HELD AT THE VETERAN'S PARK LITTLE LEAGUE FIELDS FROM JUNE 30TH – JULY 31ST AT 4:30PM.

4A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH MASTHUSEK, INC. FOR BID #2674 GYMNASIUM FLOOR RESURFACING AT BEN FRANKLIN CENTER. ACCOUNT # TO BE DETERMINED FOR A SUM NOT TO EXCEED \$29,625.00.

4B. AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO ISSUE CHANGE ORDERS ON CONTRACT WITH MASTHUSEK, INC. ACCOUNT# TO BE DETERMINED FOR A SUM NOT TO EXCEED \$2,962.50.

5. APPROVE THE RENTAL OF THE SHOW MOBILE BY THE POLICE ATHLETIC LEAGUE FOR THE ANNUAL PUMPKIN FESTIVAL TO BE HELD OCTOBER 18, 2008 ON THE NORWALK GREEN. RAIN DATE, OCTOBER 19, 2008.

D. PLANNING COMMITTEE

1. TECHNICAL CORRECTION: TO INCLUDE ADDITIONAL INFORMATION TO COMMON COUNCIL ACTION, ITEM VII.D2, PLANNING COMMITTEE, FROM THE 6/10/08 COUNCIL MEETING.

ORIGINAL ITEM READ AS FOLLOWS:

2. APPROVAL OF THE STATE OF CONNECTICUT PERSONAL SERVICES AGREEMENT.

CORRECTION AS FOLLOWS:

2A. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE ON BEHALF OF THE CITY A PERSONAL SERVICES AGREEMENT WITH THE STATE OF CONNECTICUT FOR FINANCIAL ASSISTANCE RELATED TO THE IMPROVEMENT TO OYSTER SHELL PARK PROJECT, FOR THE PURCHASE AND PLANTING OF VEGETATIVE MATERIALS AND SWALE RECONSTRUCTION TO ACCOMMODATE SLOPE RECONSTRUCTION ALONG THE PATHWAY REALIGNMENT. PLANTING MATERIAL WILL CONSIST OF OVER FIFTEEN VARIOUS SPECIES AND WILL BE PLANTED ACCORDING TO A SPECIFIC PLANTING PLAN DEVELOPED BY BSC GROUP, GLASTONBURY, CONNECTICUT.

2B. AUTHORIZE THE MAYOR TO ENTER INTO ANY AGREEMENTS, CONTRACTS AND TO EXECUTE ALL DOCUMENTS NECESSARY IN CONNECTION WITH SUCH GRANT FROM THE STATE OF CONNECTICUT RELATED TO THE OYSTER SHELL PARK PROJECT.

** THE MOTION TO APPROVE THE CONSENT CALENDAR WITH THE CORRECTIONS NOTED PASSED UNANIMOUSLY.

VII FINANCE COMMITTEE

3. Approve FY 2008-09 WPCA Operating Budget.

** MR. HILLIARD MOVED THE ITEM.

Mr. Hilliard said that he opposed this because of the small home owner and it does not address the water bill or water conservation. Mayor Moccia said that Mr. Hilliard and Mr. Hempstead had concerns and that at the last WPCA meeting there was a study proposed for different fees. Mr. Hempstead said that he agreed with Mr. Hilliard. He said that he was happy that the WPCA had heard the concerns and that he would abstaining.

Mr. Geake commented that during the Finance Committee meeting that there was a real possibility that this might have not passed in Committee. Mr. Geake said that he would also be abstaining.

Rev. Bolden said that she could not support the budget because it penalized businesses such as Laundromats.

Mr. Kydes also said that a usage fee would not be useful to home owners and would be voting against it.

Ms. Lindstrom said that she was open to the change, but it was too late to make one for this year. She would be voting yes to allow the budget to go forward.

Mr. Bonenfant also said that he agreed with Ms. Lindstrom, so he would be voting for it to allow the budget to move forward.

Mr. McQuaid said that he would also be abstaining because he had many of the same concerns already expressed.

Mr. Hempstead said that he believed that there was a good faith effort being made and that the sewer treatment plan was being handled properly. Ms. Brown said that she would be voting for it because the vote was for the operating budget, rather than the process.

Mr. Hilliard commented that this situation had gone on for a number of years and he had been consistently been against it.

**** THE MOTION TO APPROVE THE FY 2008-09 WPCA OPERATING BUDGET PASSED WITH SEVEN IN FAVOR (BONDI, BROWN, SUTTON, BONENFANT, LINDSTROM, STRANITI, AND KRUMMEL) FOUR AGAINST (SERASIS, BOLDEN, HILLIARD, AND KYDES) AND THREE ABSTENTIONS (GEAKE, MCQUAID AND HEMPSTEAD).**

VII LAND USE AND BUILDING MANAGEMENT COMMITTEE

4a. Authorize the Mayor, Richard A. Moccia, to execute a contract with Signing Star, LLC for the Nathaniel Ely Center Utility Tunnel Abatement Project for a total not to exceed \$57,500.00 Account #09007100 5777 C0176, 09084071 5777 C0419 and 09064071 5777 C0346.

4b. Authorize the Office of Building Management to issue change orders on contract for a total not to exceed \$5,750.00.

**** MR. HEMPSTEAD MOVED THE ITEM.**

**** THE MOTION TO APPROVE THE FOLLOWING RESOLUTIONS:**

a. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXE