

Common Council Actions

COMMON COUNCIL

ACTION

AUGUST 26, 2003

NORWALK, CONNECTICUT 8:00PM DST, 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, August 26, 2003, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8:00 pm. He welcomed Mr. Krummel back.

I. ROLL CALL

Betsy Bain	Jeanette Olmstead Sawyer
Kenneth Baker	Christopher Perone (8:06 pm)
Fred Bondi	Kevin Poruban
Carvin Hilliard (absent)	Judith Rivas
Barbara Hudgins	Douglas Sutton
William Krummel	Peter Wien
Bruce Kimmel	William Wrenn (absent)
Matthew Miklave	

There were thirteen (13) members present at Roll Call.

I. **ACCEPTANCE OF MINUTES**

A. Regular meeting of August 12, 2003

**** MS. OLMSTEAD-SAWYER MOVED APPROVAL OF THE MINUTES AS AMENDED.**

Mr. Perone joined the meeting at 8:06 pm.

The following change was made to the minutes of August 12, 2003:

Page 7, inset the word "if" in the first line after the word "said".

**** MOTION PASSED NINE VOTES IN FAVOR, FOUR ABSTENTIONS (MR. KIMMEL, MS. HUDGINS, MR. PORUBAN, MR. KRUMMEL) BY VOICE VOTE.**

I. **PUBLIC PARTICIPATION**

No members of the public wished to speak this evening.

II. **MAYOR**

A. **REMARKS**

Mayor Knopp introduced Armand Madeo as the new acting director of data processing in the city; he commented that Mr. Madeo has a distinguished background in the private sector and welcomed him.

The Mayor indicated that coming up at the next Council meeting there will be issue regarding a voluntary program that encouraged municipalities to join together to create a statewide voter registration list. He explained that this would not allow a voter to vote in more than one municipality at a time. Mayor Knopp said that system has been voluntary in the past; municipalities were invited to do so, however Norwalk was one of those municipalities who had not joined.

In the year 2000, the Mayor continued to say that he and the Secretary of State had met with Mayor Esposito and asked him to join the statewide system, to which he agreed. After Mayor Esposito had signed the contract to accept the telephone line, the computer, the software, the printer and other materials, it was sent to the Secretary of State's office. At the same time, the Common Council declined to authorize the Mayor to sign the contract and it was withdrawn.

Mayor Knopp stated that they have now ended up in a very odd situation; the decision of Mayor Esposito to withdraw his request to sign the contract was never communicated to the Secretary of State's office. Since January/February 2000 the Secretary of State's office has been under the impression that the contract has been signed.

Mayor Knopp said what he handed out tonight was some background material about this and some action minutes (taken at that time) instructing for this action to be withdrawn and a copy of the contract signed by Mayor Esposito.

The Mayor explained that what has changed since then, primarily after the Florida election, congress passed a comprehensive voter format, called Help America Vote Act 2002. That Act requires all states to establish a centralized voter registration system and arising out of that federal requirement, it subjects states to prosecution by the United States Attorney General if a state refuses to enter into that federal mandate. The General Assembly has also passed legislation requiring municipalities to join the system. The deadline under the legislation for municipalities to join the system is September 1st and thereby, the Mayor stated, that he has invited representatives from the Secretary of State's office tomorrow (August 27, 2003) to begin the process and to put Norwalk onto the statewide-centralized system. Mayor Knopp said when reading the contract, in essence, it commits Norwalk to accept the telephone line, computer, software etc.

The Mayor indicated that he had discussed with the Secretary of State today to begin the installation of the equipment even though they do not have a formal contract. He said they were going to take this up tonight, as a special addition to the agenda and his preference was that they do it at the first meeting of September to allow members of the public to comment. However, Ted Bromely, of the Secretary of State's office has agreed to send representatives to Norwalk tomorrow and advised (the Mayor) that they will be able to act upon this during the first meeting in September. Finally, the Mayor added that he had included the contract for the purpose of reviewing the financial agreement regarding the free equipment, which in the past had been offered as encouragement to get municipalities to join.

Mr. Kimmel asked if the municipality's legislative body decide whether to retain the old system, and if so when does it happen.

Mayor Knopp replied that he would like to consult with the Corporation Counsel before answering this very important question.

A. **RESIGNATIONS AND APPOINTMENTS**

There were none this evening.

I. **COUNCIL PRESIDENT**

A. **CONSENT CALENDAR**

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

I. **REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS**

A. **BOARD OF ESTIMATE AND TAXATION**

1. *TECHNICAL CORRECTIONS*

- a. Agenda of August 12, 2003 item VII E. should be Board of Estimation & Taxation not Finance Committee.
- b. VII E. 4 account number should be 01-3153-5267

2. **RESOLVED**, that a sum not to exceed \$47,394 be and the same is hereby transferred from Contingency to the Finance Director's Office to pay for an expected shortfall due to severance payment Acct. # 01-1310-5110

Mr. Miklave moved to table the next three Items to the next meeting of the Common Council.

I. **COMMON COUNCIL COMMITTEES**

A. **LAND USE & BUILDING MANAGEMENT COMMITTEE**

1. Authorize the Purchasing Department to issue Purchase Orders to Corporate Computer Services, Inc., Woburn MA for the supply and installation of 54 personal computers to the Board of Education for a total amount not to exceed \$44,550.00. Acct #09035010-5777-CO112
2. Authorize the Purchasing Department to issue Purchase Orders to Corporate Computer Services, Inc., Woburn MA for purchase of 95 personal computers (PC) build kits for the Board of Education for a total amount not to exceed \$78,375.00. Acct #09035010-5777-CO112
3. Authorize the Purchasing Department to issue Purchase Orders to BKM Total Office for 54 computer desks for the Board of Education for a total amount not to exceed \$10,953.90. Acct #09035010-5777-CO112

Mr. Miklave continued with Items to be included on the consent calendar.

4. Authorize the Purchasing Department to issue single source Purchase Order to Munis for renewal of software maintenance support and licensing agreement for a total amount not to exceed \$46,304.00. Acct #010600-5269

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

A. OTHER GENERAL COUNCIL BUSINESS

There was none this evening.

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

A. BOARD OF ESTIMATE AND TAXATION

3. RESOLVED, that a sum not to exceed \$16,119 be and the same is hereby transferred from Contingency to the Registrar's Office to pay for an overage in the temporary and part-time wage accounts. Acct #'s 01-1210-5130 and 01-1220-5140

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

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

Mr. Kimmel referred to the back-up material dated August 7, 2003 and the section entitled All Wage Accounts, with particular reference to the sentence "The Comptroller's Office found no discrepancies in the time

sheets for the Registrar's Office..." he said that he had read different reports in the local press stating that there were 53 hours that should have been paid; he asked Ms. Twomey for the truth regarding this point.

Ms. Twomey (Finance Department) stated that it should read that no discrepancies were found after December 31; there were discrepancies before that. She also stated that they have made corrections in how the registrar and all other departments have to submit their payroll sheet.

Mr. Kimmel then referred to the section entitled Employee Auto Allowance; he said it seems to him that both registrars traveled 100 miles. Mr. Kimmel asked if both registrars were using separate cars, leaving from the same place to go to the same place and on one report the mileage came out at \$202.93 and on the other it was \$65.92. He noted that he was a little confused by that.

Ms. Twomey replied that they both attended a different number of meetings, they had both gone back and forth to different sites during the day and they had both used their own cars.

Mr. Kimmel referred to Other Travel and the figure of \$932.42, the cost of the conference, he asked if they were both going back and forth. Ms. Twomey said there were many conferences over the year.

Mr. Kimmel asked if there was a breakdown on who spent how much. Ms. Twomey said she did have that information in her office but not at hand. Mr. Kimmel asked if it was fair to make the assumptions that because the travel costs were higher for the republican, the other expenses were higher for him also. Ms. Twomey concurred.

Mr. Kimmel asked for the number in dollars that is attributed to Election Day travel. Ms. Twomey replied that it was 100 miles for each registrar. Mr. Kimmel said in Norwalk are the registrars themselves using different cars when both driving to the same building. Ms. Twomey said that they do not have those details but they have informed all departments that they have to submit better information regarding distance traveled, addresses etc.

Mayor Knopp stated that the Board of Estimate was extremely unhappy to see the financial performance of the registrars and as a result of this they refused the request for funds for over-time, and certain expenses. Arising out of that decision they asked the comptroller to perform an audit of the various expenses. Mayor Knopp said the audit they had before them was a result of much stricter controls by the Board of Estimate to get a better handle on the expenditures.

Mr. Kimmel applauded the Board of Estimate for looking into this. He said he would be voting against this; he said he understand the need to balance the book at the end of the end of the fiscal year. He said the necessity of having two registrars, who may or may not be professionals, is ridiculous in this day and age especially with the last presidential election. Mr. Kimmel said the registrars in every town in Connecticut are basically a product of party organization, they have to have no level of expertise, and yet they all have to abide by this system. He said he hopes the State Legislator addresses this and said he has spoken to Corporation Counsel about this, however there is not much they can do about it.

Mr. Miklave said the matter before us tonight is \$16,119 for temporary, part-time wage accounts; he asked Ms. Twomey to explain to him why there was that overage.

Ms. Twomey said it was attributed to the employees working more hours than necessary, she said nobody had come to them requesting for the work to be done; they did not stay within their budgets.

Mr. Miklave asked if they knew what activities the employees were working on that resulted in the over spending on the wage account. Ms. Twomey replied it was for the Governor's Election. Mr. Miklave followed up by asking if this was regularly scheduled election and confirmed that this was not a Primary or a Special election. Ms. Twomey agreed.

Mr. Miklave said they had issues last year about a special appropriation and at that time the Board of Estimate put together some safeguards in place to try and get that situation under control. Mr. Miklave also asked if this occurrence had taken place after those financial controls were put into place. Ms. Twomey replied that they took place after.

Mr. Miklave asked if it was fair to assume that some of these temporary workers were working more than twenty hours. Ms. Twomey replied no, this was under control. Mr. Miklave asked was this just spaced out over a longer period of time. Ms. Twomey said that was correct.

Mr. Miklave asked if the Finance Department was able to identify which employees or which registrar was responsible for the overage. Ms. Twomey replied that it was the republican.

Mr. Miklave said when Ms. Twomey had referred to the timesheet was he correct in understanding that when time was put into the time-records, that was not compensated. Ms. Twomey said the time sheets did not match the attendance; the time sheets were actually more than was put into the finance system.

Mr. Miklave asked if the Finance Department was able to identify which time sheets had that discrepancy. Ms. Twomey replied that it was for the republican registrar.

Mr. Miklave said he is going to vote against this, he noted that he was deeply troubled by this despite the action that the Council approved regarding overspending of the accounts by the registrar's office last year and the efforts put in by the Finance Director and Board of Estimate to prevent this from happening again. He said they are now in the same circumstances and it is attributable to one source, the republican registrar of voters. Mr. Miklave said he found it unconscionable that there seems to be this blatant disregard for fiscal responsibility.

Ms. Olmstead-Sawyer said if they do vote against this where would the money for the overages come from.

Mayor Knopp replied that there may be a number of answers to that question. He said one of the options is that subsequent action is taken to decide on a special appropriation by the Board of Estimate. Another way might be to authorize the city to collect the funds from the employee responsible.

Ms. Bain noted as a point of clarification, is the money owed to the part-time workers or to the registrar himself.

Mayor Knopp explained that all of the employees have received their wages for work carried out, but this leaves a deficit in the registrar's budget because those funds were not put into the budget.

Mr. Kimmel referred to the Mayor's response to Ms. Olmstead-Sawyer's question about the city collecting the money from the employee responsible.

The Mayor said he would ask Mr. Ciccarello of the Corporation Counsel to check the exact wording in the ordinance before giving a response.

Ms. Bain said she was concerned that the result of this would impact both of them equally, especially if the records show that one incurred more expenses than the other.

The Mayor said it would not impact them equally. He then read 1-213 of the Charter outlining the City's position on collecting funds.

Ms. Bain said she still felt uncomfortable about voting on this until there was clarity on all of the options.

Mayor Knopp said that this Item could be tabled until the next meeting.

**** MS. BAIN MOVED TO TABLE THE ITEM TO THE NEXT MEETING OF THE COMMON COUNCIL.**

**** MOTION PASSED ELEVEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. MIKLAVE) BY VOICE VOTE.**

Mr. Bondi re-joined the meeting.

VII. COMMON COUNCIL COMMITTEES (Continued)

A. FINANCE COMMITTEE

1. Recommend the Re-Appointment of Kenneth Whitman to another term as Tax Assessor.

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

Mr. Kimmel stated that the City faces a dilemma regarding the Tax Assessor's four year term. Since the State Legislator changed the rules regarding revaluation. He said at the last finance committee meeting Mr. Whitman had attended and said he would have been uncomfortable knowing his contract would expire each time there is a revaluation. He (Mr. Whitman) had encouraged them to find a way out of this dilemma.

**** MOTION PASSED TWELVE VOTES IN FAVOR, ONE VOTE OPPOSED (MR. KIMMEL) BY VOICE VOTE.**

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

B. CORPORATION COUNSEL

1. EXECUTIVE SESSION:

Authorization to settle Claim: Barbara Martin PPA Sheiree Powell v. City of Norwalk et al.

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

Mayor Knopp stated that this Item could be discussed in either public or executive session.

**** MR. MIKLAVE MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS AUTHORIZATION TO SETTLE THE**

**CLAIM OF BARBARA MARTIN PPA SHIEREE POWELL V.
CITY OF NORWALK ET AL.**

**** MOTION PASSED UNANIMOUSLY.**

Members of the Common Council went into executive session at 8:49 pm; they returned into public session at 8:56 pm.

**** MOTION PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COUNCIL MEMBERS

There were none this evening.

VI. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

VII. SUSPENSION OF THE RULES

There were none this evening.

VIII. ADJOURNMENT

**** MR. BAKER MOVED TO ADJOURN.**

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

The meeting was adjourned at 9:00 pm

ATTEST: _____

Mary Roman, Assistant City Clerk

