

A. Regular Meeting August 13, 2002

**** MR. BAKER MOVED APPROVAL OF THE MINUTES OF AUGUST 13, 2002.**

The following corrections were made to the minutes:

Page 1, Correct the date of the regular meeting to July 23, 2002.

Page 4, Item VII, B, 1 was consented to refer back to Committee for approval.

Page 5, Under Ordinance, correct the name of the project to U R Home in both places.

Page 7, Second line, delete the word many and correct the sentence to read, "there were people who did not agree with aspects of the study that was performed".

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

II. **PUBLIC PARTICIPATION**

Art Scialabba stated he was speaking as Republican Town Chairman. He stated that after tonight's meeting the Mayor would have succeeded in obtaining the majority on the Planning Commission. Mr. Scialabba said that according to the Charter, Section 1369, and he quoted "The Commission shall elect its own Chairman and create other offices; the term of the Chairman shall be one year, with the eligibility for re-election". He continued to say that chairing a Commission takes knowledge that is something that the new appointment admits he does not have. Mr. Scialabba quoted the new appointee as saying "I need to get up to speed quickly, I have not really been involved in planning issues in the city". Mr. Scialabba stated that last November people voted for a change, he stated that he was not convinced they wanted to abandon democracy for dictatorship.

Sonja Devitt, the Director of Human Relations for the City, stated she was speaking in that capacity. She thanked the members of the Ordinance Committee for approving and sending for Common Council approval, the revisions to Section 60 of the Norwalk Code, she said these changes should make it a much more user-friendly document. Ms. Devitt wished to address one change, the second sentence of 60-4 a; she asked the Commission to accept her comments, if they are appropriate for the time being or if they belong at a future date.

She stated that two years ago the Human Relations Commission proposed an addition to their ordinance (Section 60) to limit the number of consecutive years that a person could serve as Chairman. Ms. Devitt continued, the Ordinance Committee and the Common Council approved that change, however the past two years have convinced the Commissioners that they made a mistake and they propose to undo it by removing that provision. Ms. Devitt asked for the following to be considered. Firstly, she said that a period of two years is very short to fully get your stride in a new position; she said it was too short a time to be of maximum benefit. Secondly, Ms. Devitt stated that the electors (in this case, the Commissioners) have realized that they ought to be able to decide whether they want the Chairman to serve another year or not. She said that no other Board is limited by Ordinance in this way. Finally, Ms. Devitt stated to not allow the Commission to undo a mistake sends a message to all Boards and Commissions to be aware of trying something new for fear of getting locked in. She said the Human Relations Commission experimented, they gave it a try and they found they made a mistake; they now seek to undo it. Ms. Devitt said it needed approval and thanked the Council for their consideration.

III. **MAYOR**

A. **RESIGNATIONS AND APPOINTMENTS**

Appointment: Planning Commission – Jose Antonio Bermudez

Mayor Knopp stated that was pleased to nominate Jose Antionio Bermudez to the Planning Commission to fill the expired term of Frank Favano. Mayor Knopp said that Mr. Bermudez has had a long and distinguished career in civic matters in Norwalk and played a big part in the Hispanic Community. Mayor Knopp said that Mr. Bermudez will provide a useful perspective based on his wide spread experience.

**** MS. RIVAS MOVED TO APPOINT MR. JOSE BERMUDEZ TO THE PLANNING COMMISSION. TERM EXPIRES 07/01/04.**

Ms. Rivas wished to commend the Mayor on this appointment and said that Mr. Bermudez has shown commitment and will truly represent the city.

Mr. Mann stated he agreed with this appointment as Mr. Bermudez has served so faithfully in different arenas over the years. He is someone who is well respected by a large segment of the community and has Norwalk's best interests at heart.

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

B. **REMARKS**

Mayor Knopp invited Mr. Jim Banks to the podium. The Mayor said that Mr. Banks has resigned from the position of Mayor's Director for Developing and Marketing; he will be going to South Carolina and Maine. Mayor Knopp said he had invited Mr. Banks along tonight, as he has played such an important part in the city of Norwalk over the past decade and wished to thank him for his excellent work and also to give the Council a chance to acknowledge his work and wish him well in his new endeavors. Mayor Knopp said one of the jobs of Mr. Banks was to come up with a slogan for the city stationery and it was "Norwalk, The Right Place, The Right Time", Mayor Knopp stated that Mr. Banks was certainly the right person in the right job at the right time. He thanked Mr. Banks on behalf of the whole Common Council. There was a round of applause for Mr. Banks.

Mr. Banks thanked the Mayor and the Council for their kind words. He said he had had a great time working for the city; it was a real team effort working with all the departments and the Common Council. Mr. Banks said he left with mixed emotions but is looking forward to his new lifestyle and thanked the Mayor for asking him along.

Mayor Knopp announced that he was holding a Mayor's Night Out, it would be held at 8pm, Wednesday August 28, 2002 at the Harbor View Club House. He said he welcomed everyone to come along and raise any issues or concerns they may have about the city.

Mayor Knopp said that this morning he had invited city staff and neighborhood representatives as part of the City Scan project, to a tour of the Glasser Street area. He said what they were trying to do was to reach out to neighborhood organizations and combine the efforts of the City Scan with a SWAT team approach. Mayor Knopp said there were three issues in particular that they were concerned about. The first was fixing up Bouton Street Park, as this is not in good shape and did not appear to be safe, he said it was heavily used by children and he had asked Mike Mocciaie to produce a report on what can be done both in the short and long term. Secondly, Mayor Knopp said there was a concern about the heavy through traffic of trucks on Glasser Street. He said this is a residential area but borders onto an industrial zone, in all of these situations there are problems. Mayor Knopp said they were looking at three different possibilities to protect the residents, the first suggestion is to make Glasser Street a one way street, secondly to put up No Through Truck signs and thirdly to make Glasser Street a dead end street. Mayor Knopp said these are possibilities that will be considered by the Traffic Department. Thirdly, Mayor Knopp said there were a number of industrial properties where they detected significant problems in terms of enforcement of city code, noise, construction material on sidewalks and other problems. After studying these problems, Mayor Knopp said he would be inviting the property owners to meet city officials and himself to clean up the property.

Mayor Knopp said this was a good example of how the City Scan Project and the "neighborhood SWAT team" approach can benefit neighborhoods. He wished to thank city staff and Mary Kiniry.

IV. **COUNCIL PRESIDENT**

A. **CONSENT CALENDAR**

Mr. Mann moved the following items:

VII. **COMMON COUNCIL COMMITTEES**

A. **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 United States Department of Justice-Bureau of Justice Assistance under the 2002 Local Law Enforcement Block Grant.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2002 Local Law Enforcement Block Grant.

A. **ORDINANCE**

1. Technical Correction to Chapter 12 – Tree Ordinance.

** MR. MANN MOVED APPROVAL OF THE CONSENT ITEMS.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. **OTHER GENERAL COUNCIL BUSINESS**

There was no other general council business this evening.

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

There was no discussion this evening.

I. **COMMON COUNCIL COMMITTEES** (*Continued*)

B. **ORDINANCE**

1. Ordinance creating new section, Article VIII to Chapter 9 – Administration "Board of Estimate and Taxation Fees and Fines Master list".

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

Mr. Wrenn stated that this is a very important item as it takes all the fees and fines from all departments of the City and puts them in one place so it not only streamlines the fines but can make them more accessible to the public.

Mr. Kimmel said that right now there is not a master list of fees and fines and it would be very difficult for a member of the public to find out where they are, however this is administrative problem that can be solved. Mr. Kimmel stated that in the past the Council and Committees spend a fair amount of time discussing permits etc. He said, as he understood the situation, they would be taking the responsibility the Council has and moving it to the Board of Estimate and Taxation, he asked would it ever come to the Council.

Mr. Wrenn said the Council will review fees and fines every two years and that would be approved by the Council but would first go to the Board of Estimate and Taxation.

Mayor Knopp referred to Section B in the ordinance.

Mr. Kimmel confirmed that the Council would have the final authority.

Mayor Knopp stated that what they found was that some consumer fees have not been reviewed for over a decade. He said the impact of this is that cost has shifted to the people who pay property taxes. Mayor Knopp gave an example that the Board of Estimate and Taxation recently passed in an effort to alleviate this.

Mr. Kimmel said he thought it was a good idea, but it seems that the Committees have to do a budget every year and part of their revenue is based on these fees and fines. He wished to clarify that there would be no change in the budget process.

Mayor Knopp said there would be no change in the budget process but what this does is to make it easier to develop the information for budget recommendations.

Mr. Mann stated that the Board of Estimate and Taxation have to review and submit a report at least bi-annually. The practical effect is that it gives the Common Council a

chance to review all of the fees and all of the fines at one time. He said it also helps the public, as everything will be in one central place.

Mr. Kimmel said to have all the fees and fines in one central place is a good idea, however, he stated if he were a member of the public he would not know how to find the Board of Estimate and Taxation. He suggested that if there is a master list then to keep it in a place such as the City Clerk's office so people can find it more simply. Mr. Kimmel said that he was comfortable with the Board of Estimate and Taxation making changes and putting forth a recommendation to the Council. However, he suggested that this would make an over-lapping process as the different departments will submit the information to the Council Committees and they will also be providing the same material to the Board of Estimate and Taxation, so the process goes in two different directions.

**** MOTION PASSED, THIRTEEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. KIMMEL).**

3. Proposed Amendment to Chapter 60 of the Norwalk Code – Human Relations Commission.

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

Mr. Wrenn stated the proposed amendment is very effective and will make the ordinance consistent with State Statute and user-friendly. It makes it more understandable, so anyone can pick up the Norwalk code and see what is necessary. Mr. Wrenn thanked Sonja Devitt and the Human Relations Committee; he said they have done an excellent job and went through the ordinance with a fine-toothed comb. Mr. Wrenn stated that one of the key changes was adding the lawful source of income and that makes the ordinance consistent with the State Statute. With regard to item 60-4, Mr. Wrenn said as a result of their meeting, they did not think it was necessary at this time to make a change, they did not have a compelling reason to do it and it will be reviewed in the future.

Mr. Kimmel said that several times in her presentation Ms. Devitt mentioned that the Commission had realized it was a mistake to make the term limit two years. He asked how she came to this conclusion.

Ms. Devitt stated that when they have an effective chairman, they would like to be able to have that chairman continue. They are currently precluded from doing so and this can thwart the effectiveness of the Commission enforces. Ms. Devitt said any Board or Commission can decide whether they elect a chairperson or not; the Commissioners choose the chairperson as the majority wishes.

Ms. Devitt continued to say that when they have hearings, (although they only have a few a year) and if a chairman only has one or two opportunities to be the chairman of a hearing then it goes to another chairman who is inexperienced and again the next year.

The Commissioners felt that with regard to the handling of hearings it was more beneficial to have an experienced chairperson.

Mr. Kimmel said he noticed this item was amended in 1999, he asked how it was amended. Ms. Devitt said that the third sentence was not in the ordinance until 1999, when 60-4 was added.

Mr. Kimmel asked what had happened prior to that to make them feel the opposite of what they feel now. Ms. Devitt stated they were thinking it would be good to have variety, they were thinking programmatically and not practically in terms of hearings. They were thinking of new ideas and they were aware that on several other Commissions there had been chairmen who had been in place for a very long time and they hesitated to make a change and so they thought of limiting the term to two years. Ms. Devitt stated that the ramifications were not well thought through or apparent to the Commissioners.

Mr. Miklave asked Ms. Devitt if the duties of the chairman are specified in the ordinance. Ms. Devitt did not think that they were. Mr. Miklave said the duties and powers are specified by the internal rules of the Committee; so they could be changed at any time. Ms. Devitt stated that this is correct. Mr. Miklave said during the chairman's first couple of hearings, did she notice a particular ineffectiveness of the chairman. Ms. Devitt stated that one is always uncertain when dealing in a new arena. She said she is a coach during the hearings and has never seen a chairman who has never chaired a hearing before, feel or act confidently during his first hearing. Mr. Miklave asked how long it took to get over the "stage fright". Ms. Devitt said several hearings but this depended on the person, their understanding of the law, experience etc. Mr. Miklave confirmed that in the view of some Commissioners that depending on the personality of the chairperson, some people are excellent and some less excellent. Ms. Devitt said that is always a given in any organization. Mr. Miklave said it was the identity of the individual not the necessarily the ordinance that creates problems with the chairperson. Ms. Devitt said for smoother hearings, the more experience a chairperson has had makes for a more effective hearing.

Mr. Mann stated that if people are given the opportunity, or given a chance they will rise to the task. He said there is something to be said for giving a person that chance and there was obviously a reason why it was changed to the way it is now. Mr. Mann said this just happened in 1999, maybe it was changed too quickly then so maybe they should take more time to change it back now.

Ms. Devitt said that maybe they should look at the Human Relations Commission as a pilot project. Perhaps there is something between a two-year and a zero limit. She said the Commission wished to had originally change what they changed in 1999.

Mr. Mann said he heard a couple of times during the presentation that they are the only Commission with this rule, he wished to emphasis that it was a request of the Commission, it was not forced. Ms. Devitt said this was correct, it was not forced on them.

Ms. Olmstead-Sawyer agreed with Mr. Mann and asked how the chairperson is chosen. Ms. Devitt stated that the chairman at the time, nominates several Commissioners who propose a vice chairman and chairman, and then this is voted upon. Ms. Olmstead-Sawyer asked if there was a job description for these people. Ms. Devitt said there was no job description anymore than there was one for any other Commission or Board. Ms. Devitt stated that the Commission does have by-laws that include duties. Ms. Olmstead-Sawyer asked why anybody would accept the position of the chair if they did not think they could handle it. Ms. Devitt stated that in her opinion, nobody accepts the position thinking they cannot handle it.

Ms. Devitt stated that the Commission is not saying that somebody cannot handle the job; that is not the issue. What they are saying is that for the purposes of holding hearings until the experience is gained the job is very different from chairing the regular meetings.

Ms. Bain asked for the purpose of clarification, were there any term limits prior to this change. Ms. Devitt stated that there were not.

Ms. Bain said that this is not a simple issue, there may be some compromise, she said she did not feel comfortable debating this at a Council meeting and that this should go back to Committee for further consideration. Ms. Bain said just to revert back to what they had before may not be the correct solution.

Mr. Baker stated that Ms. Devitt made some good points and this is something they should keep their eye on.

Mr. Perone asked what the catalyst was for wanting to change this back. Ms. Devitt said the Commissioners were aware that for the last couple of year they have had a chairman who is doing a good job and that they would be unable re-elect him and that caused them to look again. Ms. Devitt said if they had not been revising the entire ordinance then she did not think this would be a special issue.

Mr. Wien asked if this decision had affected people on the other side, are people at the hearing treated fairly because of this. Ms. Devitt said she had never received a complaint saying the job of the chairman was done poorly.

Ms. Devitt stated that the findings of the Human Relations Commission are findings of discrimination (or not) which is very serious and can carry serious penalties, if there are appeals there must be a good solid record that shows there was a competent hearing. She said that this required a good deal of thought and preparation on behalf of the Commissioners.

Mr. Bondi says what it looks like is that no other member is capable of being the Chairperson. He said that with the term limits, this way it gives everyone an opportunity. Mr. Bondi said this is not stating that the chairperson at the time cannot come back.

Ms. Devitt stated that she would not want anyone to deduce by what she has said is that no other Commissioner could do the job.

Mayor Knopp asked who was chairman was at the time when the change was made, in 1999. Ms. Devitt replied that it was Anthony Flack. The Mayor asked how long he had served as chairman. Ms. Devitt stated it was for three years. Mayor Knopp asked if the adoption of this amendment had the effect of preventing him from serving as chairman again. Ms. Devitt stated that once the provision was adopted, then yes. Mayor Knopp confirmed that this amendment would prevent the sitting chairman from serving again. Ms. Devitt stated that before it was adopted, Art Scialabba had been elected; she said the timing and change process of the ordinance started during Mr. Flack's term, but was completed when Mr. Scialabba was elected. She suggested that one should not read into that more than a change of chair. Ms. Devitt stated that because of the suggested change and process it did not prevent the re-election of Mr. Flack; the ordinance had not received clearance from the Committee or the Common Council.

Mayor Knopp asked if Mr. Scialabba had voted in favor of this ordinance change. Ms. Devitt replied that the entire Commission voted in favor. Mayor Knopp asked if Mr. Scialabba voted to recommend changing this provision now. Ms. Devitt replied that the entire Commission voted in favor of it.

Mayor Knopp asked if the effect of making this change, as recommended, would allow Mr. Scialabba to serve another term as chairman. Ms. Devitt stated that it could. Mayor Knopp asked if Mr. Scialabba had indicated that he would recuse himself from that opportunity if this amendment were to pass. Ms. Devitt did not recall Mr. Scialabba saying this.

Mr. Miklave asked if Mr. Scialabba was elected more than two years ago, has he not already served his term. Ms. Devitt stated that the Commission assumed that the provision that limits the term on someone who has already been elected does not take place until the next effective term. Mr. Miklave confirmed that Mr. Scialabba has already served three years as chairman.

Ms. Bain stated that she was reluctant to consider this matter because she believed to reverse what was done, especially after having someone as chairman for a long time and then having nobody ready to step in, that the discussion should take place at the Committee level.

Mr. Kimmel asked if there was an election each year. Ms. Devitt confirmed that there was.

Mayor Knopp stated that it seemed odd to him all that has been described has been impacted by the term limit as a recent change. He said that when they inherited the term limit proposal, either there was a lack of common sense about the impact of the proposal or that there is an ulterior issue at stake. Mayor Knopp stated that the words term limit are

very obvious and he felt that Commissioners could not fail to have considered the impact of their action.

Ms. Devitt said there was no question that they knew they were limiting the term, she said in her opinion they were not quite prepared for how short two years are. She also wanted to say that the Commissioners on the Human Relations Commission have been completely dedicated to the work of the Commission. Her experience with the Commissioners is that they are all up front people and the decisions they have made have been for the good of the Commission.

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

I. **MOTIONS POSTPONED TO A SPECIFIC DATE**

There were none this evening.

I. **SUSPENSION OF THE RULES**

There were none this evening.

II. **ADJOURNMENT**

**** MR. MANN MADE A MOTION TO ADJOURN.**

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

The meeting was adjourned at 9.30pm.

ATTEST: _____

Pam Stark, City Clerk