

***Common Council Actions***

**September 12, 2006**

NORWALK, CONNECTICUT 8:00 P.M. 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.

Mayor Moccia called the meeting to order at 8:13 p.m. and led the Assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Ms. Roman called the Roll. There were fifteen (15) members present and no members absent.

Michael Coffey Phyllis Bolden  
Matthew Miklave Carvin Hilliard  
Kevin Poruban Fred Bondi  
Joanne Romano Nicholas Kydes  
Douglas Sutton Douglas Hempstead  
Herbert Grant Kelly Straniti  
Richard McQuaid Gwen Briggs  
William Krummel

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II. ACCEPTANCE OF MINUTES

Regular meeting – August 8, 2006

\*\* MR. BONDI MOVED TO ACCEPT THE MINUTES AS SUBMITTED  
\*\* MOTION PASSED WITH (5) ABSTENTIONS (MR. COFFEY; MR. MIKLAVE;  
MR. SUTTON; MR. HILLIARD; MS. BRIGGS)

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II. PUBLIC PARTICIPATION

Ms. Lisa Riviccio, spoke in favor of allocating funds for drainage repair.

Mr. Harding Dies spoke against the proposed resolution regarding the control of illegal weapons.

Mr. Ron Pitsiaro and his colleague spoke in favor of the proposed resolution regarding the control of illegal weapons.

Mr. Mark Schwartz asked that the neighbors be permitted to discuss the easement issue on Briar Street.

Mr. Guillermo Alvarez spoke about drainage and flooding problems on Briar Street.

Attorney Dan Jacobson, representing the landowners of 28 Briar Street spoke about drainage issues on Briar Street. He said that his clients proposed installing an engineered drainage system to help funnel the water to an area that can accept the water flow.

Mr. Paul Schwartz expressed concern that the property owner at 28 Briar Street will install a driveway and that it will increase the water flow.

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MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations: Lee Levey – Library Board of Directors

Mayor Moccia announced Mr. Levey's resignation from the Library Board of Directors and his appointment to the Planning Commission.

Appointments:

Don Eleck – Alarm Appeals Board

**\*\* MR. KRUMMEL MOVED TO APPROVE THE APPOINTMENT OF MR. ELECK TO THE ALARM APPEALS BOARD**

**\*\* MOTION PASSED UNANIMOUSLY**

Stuart Wells – Facilities Construction Commission

**\*\* MR. COFFEY MOVED TO APPROVE THE APPOINTMENT OF MR. WELLS TO THE FACILITIES CONSTRUCTION COMMISSION**

**\*\* MOTION PASSED UNANIMOUSLY**

Due to a potential conflict of interest, Mr. Krummel left the Council Chambers.

Regina Krummel – Library Board of Directors

**\*\* MS. BRIGGS MOVED TO APPROVE THE APPOINTMENT OF DR. KRUMMEL TO THE LIBRARY BOARD OF DIRECTORS  
\*\* MOTION PASSED UNANIMOUSLY**

Mr. Krummel returned to the Council Chambers.

Michael Corsello – Oak Hills Authority

**\*\* MR. BONDI MOVED TO APPROVE THE APPOINTMENT OF MR. CORSELLO TO THE OAK HILLS AUTHORITY  
\*\* MOTION PASSED UNANIMOUSLY**

Reappointment:

Barbara Hudgins – Fair Housing Advisory Commission  
Cesar Ramirez - Fair Housing Advisory Commission  
Bernadine Tatem – Fair Housing Advisory Commission  
Lori Torrano – Fair Housing Advisory Commission

**\*\* MS. ROMANO MOVED TO APPROVE THE REAPPOINTMENT OF MS. HUDGINS; MR. RAMIREZ, MS. TATEM AND MS. TORRANO TO THE FAIR HOUSING ADVISORY COMMISSION  
\*\* MOTION PASSED UNANIMOUSLY**

Arthur Goldblatt - Oak Hills Authority

**\*\* MR. KRUMMEL MOVED TO APPROVE THE REAPPOINTMENT OF MR. GOLDBLATT TO THE OAK HILLS AUTHORITY**

Mr. Krummel said that he was very pleased that Oak Hills continues to have good tennis players on their Board. Mayor Moccia said that he was pleased to re-appoint Mr. Goldblatt to the Authority. Mr. Kydes said that he is a dedicated individual who has taught tennis to thousands of children.

**\*\* MOTION PASSED UNANIMOUSLY**

Michael Salvator – Pension Board of Trustees

**\*\* MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF MR. SALVATOR TO THE PENSION BOARD OF TRUSTEES  
\*\* MOTION PASSED UNANIMOUSLY**

## B. REMARKS

Mayor Moccia thanked Council members for participating in the 9-11 Memorial Service. He said that it was a very moving ceremony.

Mayor Moccia announced that it was Ms. Romano's birthday and led the Council members in singing Happy Birthday. He also presented her with a birthday hat.

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#### IV. COUNCIL PRESIDENT

##### A. GENERAL COUNCIL BUSINESS

Mr. Coffey said that the 9-11 Memorial Service held yesterday was very touching and thanked all who participated.

##### CONSENT CALENDAR

**\*\* MR. COFFEY MOVED THE FOLLOWING CONSENT CALENDAR:**

For informational purposes only: Monthly Tax Collector's Report Dated June 30, 2006

1. Authorize the Purchasing Agent, Gerald Foley, to issue a purchase order to Innovative Interfaces Inc., (III) for the purchase of 5 III Millennium Staff user licenses for the South Norwalk Library for an amount not to exceed \$6,250.00, account 0907070600-5777-C0375 and 016200-5263 and forward such onto the Common Council for further action.

4\*. State of Connecticut Department of Economic and Community Development Urban Action Grant:

a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut Department of Economic and Community Development Urban Action Grant program for the Maritime Aquarium Debt Refinancing.

b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments, or amendments as may be necessary to implement Department of Economic and Community Development Urban Action Grant program for the Maritime Aquarium Debt Refinancing.

5. Resolution to close out a \$250,000 Capital appropriation that has not been expended for the construction of a ticketing counter for the Maritime Aquarium in the Maritime Garage (Project Account No. 09030910-5777-09074021-5777-C0308).

6. Resolution to appropriate \$150,000 to complete two South Norwalk Lighting projects (Project Account No. 09074021-5777-C0380).

7. Resolution appropriating \$750,000 for the Nathaniel Ely Child Care Center (Project Account No. 09074071-5777-C0346).

8. Resolution to approve WPCA appropriation in the amount of \$191,000 for professional services related to Industrial Pretreatment Program (IPP) survey. Appropriation to be funded from the EPCA Fund Balance (Account 224062-5230).

9. Authorize the Mayor, Richard A. Moccia, to execute a three (3) year agreement for mailroom services with Lanier Professional Services, a division of Lanier Worldwide,



Inc. for a total amount not to exceed \$172,720.80 in compliance with section 3-503 of the City of Norwalk Procurement Guidelines dated 2/4/2005 (multi-year contract).

\*(Revised to reflect correct agenda item number and backup information.)

#### A. FINANCE COMMITTEE

10. Authorize the Mayor, Richard A. Moccia, to execute an insurance contract with Connecticut General Life Insurance Company to purchase individual stop loss insurance for FY 2006-07, at a cost not to exceed \$8.03 per covered employee per month. Total annual premium estimated at \$78,000. Account number to be determined.

11. Approve the amendment to the contract with Chan Krieger & Associates to complete the Plan of conservation and Development for a sum not to exceed \$64,900 (including a 10% contingency)

Send to Finance Committee

12. Authorize the Mayor to sign the contract with Chan Krieger & Associates.

Send to Finance Committee

#### B. RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to execute any and all documents necessary to amend the agreement by and between the City of Norwalk and BSC Group for professional services regarding improvements to Oyster Shell Park dated November 9, 2005 as the scope of services for development of construction documents.

#### D. HEALTH, WELFARE, PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

1a) Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the Southwestern Connecticut Agency on Aging for the Community Case Manager for the Elderly Program for the period October 1, 2006 to September 30, 2007.

1b) Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Community Case Manager for the Elderly Program for the period October 1, 2006 to September 30, 2007.

2a) Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut Department of Public Health for the Sexually Transmitted Disease Control Program for the period July 1, 2006 to June 30, 2009.

2b) Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Sexually Transmitted Disease Control Program for the period July 1, 2006 to June 30, 2009.

3a) Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut Department of Public Health for the Obesity Program for the period July 1, 2006 to June 30, 2007.

3b) Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Obesity Program for the period July 1, 2006 to June 30, 2007.

4) Authorize the Mayor, Richard A. Moccia, to execute any and all documents with First Coast Service Options, Inc. to allow for electronic claims submission.

5) Authorize the Purchasing Agent to issue a purchase order to Motorola Inc. for the purchase of 30 Model XTS2500 800 MHX portable radios and peripheral equipment to support Public Safety Interoperability in the 800 Megahertz range. Purchase order not to exceed \$76,761.73.

6) Authorize the Purchasing Agent to issue purchase orders to Motorola Inc. for the purchase of 14 Model XTL 2500 Mobile and 14 Model XTS 2500 Portable radios and peripheral equipment to support Public Safety interoperability in the 400 Megahertz range, purchase orders not to exceed \$62,687.57.

7) Authorize the Purchasing Agent to issue a purchase order to Northeastern Communications for the installation of various antennas and equipment to support the operations of RACES (Amateur Radio Emergency and disaster support) within the Norwalk Emergency Operations Center at the Norwalk Police Services Building. Said purchase order not to exceed \$9,076.00 and to be drawn from Homeland Security Grant Funds Account #35047004-5744-H3336.

8) Authorize the Purchasing Agent to issue the necessary purchase orders to purchase and support 10 Blackberry type devices to be distributed to key members of the city's Emergency Response staff. Purchase orders not to exceed \$16,000.00.

9) Authorized a purchasing agent to issue a purchase order to acquire 182 ballistic helmets and 182 detachable ace shields. Purchase order not to exceed \$50,983.66. Vendor to be determined.

10) Authorized the Purchasing Agent to issue a purchase order to acquire a medium size patrol boat suitable to the Norwalk Police Marine Division. Purchase order not to exceed \$96,500.00. Vendor to be determined.

11) Rescind Council action taken May 23,2006 with reference to purchase agreements with Northeastern Fire Association.

12) Rescind Council action taken August 8, 2006 with reference to Marion Body Works.

13) Authorize the Purchasing Agent to issue a purchase order to Marion body works, 211 West Ramsdell, Marion, Wisconsin for a Fire Department pumper for a price not to exceed \$338,250.00. \$339,250.00 Acct. #090631105777.

14) Authorize the Purchasing Agent to issue a purchase order to COHU Electronics not to exceed \$22,000.00 for the purchase of the equipment required to bridge the present analog camera system to the City's Municipal area Network.

15) Authorize the Purchasing Agent to issue a purchase order not to exceed \$10,000.00 for the installation of bridging equipment, vendor to be determined. This equipment will allow for transmission of data from City analog cameras to the Emergency Operations Center, Combined Dispatch and various alternate centers throughout the city of Norwalk. Funds to be drawn from Homeland Security Grant 2004 Account # 350047004 and #35047104.

1. Authorize the Mayor, Richard A. Moccia to execute any and all documents between the State of Connecticut, Department of Transportation, in connection with the Federal Local Bridge Program, F.A.P. No. BHZ-6102(4), State Project No. 1020315, Rehabilitation of Bridge No. 04440, for the Design of the Westmere Avenue Bridge Over Farms Creek. This project is grant funded, 80% federal and 20% City.

2. Authorize the Mayor, Richard A. Moccia to execute an Agreement with URS, Inc., to provide design consulting services in connection with the Westmere Avenue Bridge Over Farms Creek for a sum not to exceed \$11,118 (20% of the approved design fees of \$55,590). Account No. 0904 4021 5777 C0306

3. Authorize the Mayor, Richard A. Moccia, to execute any and all documents between the State of Connecticut, Department of Transportation, in connection with the Federal Local Bridge Program, F.A.P. No. BHZ-6102(121), State Project No. 102-320, Rehabilitation of Bridge No. 04989, for the Design of the James Street Bridge Over Silvermine River. This project is grant funded, 80% federal and 20% City.

4. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with URS, Inc., to provide design consulting services in connection with the James Street Bridge Over Silvermine River for a sum not to exceed \$39,070 (20% of the approved design fees of \$195,350). Account No. 0906 4071 5777 C0350

5. Authorize the Mayor, Richard A. Moccia, to execute any and all documents between the State of Connecticut, Department of Transportation, in connection with the Federal Local Bridge Program, F.A.P. No. BHZ-6102( ), State Project No. 102-\_\_\_\_, Rehabilitation of Bridge No. 04154, for the Design of the Perry Avenue Bridge Over the Norwalk River. This project is grant funded, 80% federal and 20% City.

6. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with URS, Inc., to provide design consulting services in connection with the Perry Avenue Bridge Over the Norwalk River for a sum not to exceed \$50,616. (20% of the approved design fees of \$253,079.) Account No. 0906 4071 5777 C0350

9a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with M. J. Losito



Electrical Contractors, Inc., for Project No. DPW 2006-2 Under Bridge Lighting-North Water Street, Marshall Street and Ann Street, for a sum not to exceed \$149,900.00

9b. Authorize the Director of Public Works to issue Orders on Contract to M.J. Losito Electrical Contractors, Inc., for project No. DPW 2006-2, Under Bridge Lighting-north Water Street, Marshall Street and Ann Street, for a sum not to exceed \$15,000. Account No. 09 06 4021 C0380

Authorize the Mayor, Richard A. Moccia, to execute an Amendment to the Agreement with Tighe and Bond to provide professional engineering services for the design of the Infrastructure Improvements for the Reed –Putnam Redevelopment Project for a sum not to exceed \$147,000 plus \$14,000 in reimbursable expenses and to extend the time of completion to June 30, 2007.

Send to Planning Committee

Account No. CTDECD Special Act 01-02 Section 9 (d)(2)

Project no. 20022103005

Budget Line 1425 (Arch & Eng.)

(The Redevelopment Agency administers the grant as approved by the CTDECD).

10. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with the Town of Westport, Connecticut for the management and maintenance of Cranbury Road and Sylvan Road North (subject to review and concurrence by Office of Corporation Council).

**\*\* MOTION PASSED UNANIMOUSLY**

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## VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

## VII. COMMON COUNCIL COMMITTEES

### A. FINANCE COMMITTEE

Due to a potential conflict of interest, Mr. Miklave rescused himself and left the Council Chambers.

**\*\* MR. HILLARD MOVED TO APPROVE THE FOLLOWING ITEM**

2. Accept and Approve the Report of the Claims Committee Dated July 13, 2006 & August 10, 2006.

**\*\* MOTION PASSED UNANIMOUSLY**

Mr. Miklave returned to the Council Chambers.



## C. ORDINANCE COMMITTEE

\*\* MR. COFFEY MOVED THE FOLLOWING ITEM

2. Amend Norwalk Code Chapter 113 – “Water Pollution Control Authority”.

\*\* MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)

Mr. Coffey called for a recess at 8:54 p.m.

The meeting reconvened at 9:17 p.m.

## E. PUBLIC WORKS COMMITTEE

\*\* MR. KRUMMEL MOVED TO APPROVE THE FOLLOWING ITEM

Approve the proposed Public Works rate and fee revisions (revised rates to be effective October 1, 2006)

Mr. Krummel explained that this is an important fee schedule.

\*\* MS. STRANITI MOVED TO AMEND THE MOTION AND REMOVE SECTION 11-2-4

Mr. Krummel accepted the friendly amendment.

Mr. Hilliard proposed that the fine for illegal dumping be \$1,000 up to \$10,000. Mr. Grant added that the rates and fees must be consistent with the existing statute.

Mr. Hempstead asked at who has the discretion to determine the costs. Mr. Kydes said that they do not have a standard to determine what a minor or major offense is. Mr. Poruban asked Mr. Alvord for guidance. Mr. Alvord said that he has not seen written criteria of what would constitute minor or major illegal dumping. He said that he is the keeper of Chapter 95-A and sees the difference between tossing a bag of trash on the side of the road and leaving a refrigerator on the side of the road.

Mayor Moccia said that part of the flooding problem on Ely Avenue was caused by illegal dumping in the culvert. He said that if they could track down who dumped their items there, they would be fined \$10,000.

Mr. Hempstead asked that guidelines be added to the range of fees. Mr. Kydes asked who determines the fines. Mr. Alvord said that the Police Officer, the Mayor and himself. Mr. Bondi asked if there is an appeal process. Mr. Alvord said that there are three levels of the appeals process.

\*\* AMENDMENT PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. PORUBAN)

\*\* MOTION TO ACCEPT THE MAIN MOTION AS AMENDED PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. MIKLAVE)

\*\* MR. KRUMMEL MOVED TO APPROVE THE FOLLOWING ITEM

7. Authorize the Mayor, Richard A. Moccia, to execute an Easement Agreement with Briar Street, LLC for access, construction and maintenance of storm drainage for a portion of Briar Street.

Mr. Miklave commented that he would not support this item until all of the issues are resolved. With the recent drastic flooding, he said that they should use great caution.

\*\* MR. MIKLAVE MOVED THE ITEM BACK TO COMMITTEE  
\*\* MOTION PASSED UNANIMOUSLY

\*\* MR. KRUMMEL MOVED TO APPROVE THE FOLLOWING ITEM

Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Creative Outdoor Advertising of America, Inc. for the installation and operation of Streetscaping waste containers.

Mr. Krummel said that he supported this item. Mr. Coffey said that he also supported this item. He said that the taxpayers are looking to the Common Council to save taxes in new and innovative ways. This will do that and keep the streets cleaner.

Ms. Straniti said that she will not vote in favor of this item. Although it is creative and makes financial sense, she said that she would rather look at other alternatives.

Mr. McQuaid asked Mr. Alvord who would determine the ads and the locations of the bins. Mr. Alvord said that he would do that. Mr. McQuaid said that he would be more comfortable if the decision would be made by the DPW Committee.

\*\* MR. MCQUAID MOVED THAT THE DPW COMMITTEE WILL REVIEW THE LOCATION AND THE ADVERTISEMENTS PLACED ON THE CONTAINERS

Mr. Kydes said that he was concerned about the terms and conditions of the agreement related to the length of the agreement. Mayor Moccia said that the Law Department prepares the contract for his signature.

Mr. Miklave said that he appreciates the effort and creativity, but there is only so much advertisement he can take. He opposes the amendment in terms of it giving authority to a subcommittee of the Common Council.

Ms. Briggs asked how many receptacles would be placed throughout the City. Mr. Alvord said that they believe the number will not exceed 100.

Mr. Bondi said that it was a great idea. He said that litter is a big problem in the City and that he hopes that people would use the receptacles.

Ms. Romano said that she would be willing to look at them, but is not comfortable with the advertisement. She said that she would be in favor of the DPW Committee as a whole having oversight for the location of the receptacles and the advertisement.

Mr. Grant commended Mr. Alvord and the Health Department for enforcing litter control on Wall Street.

Mr. Hempstead said that he applauded all of the efforts to remove trash, but does not appreciate advertisement on public streets. The City has the obligation to provide services to the residents and trash pick up is one of those. Mr. Hempstead said that he believes that the Council could approve the concept, but said that he is not comfortable having a draft before them and therefore would not support the item.

Mr. Poruban said that he does not agree with the advertisement, but this does provide a function to keep the streets clean. He said that he would like to see more language specific to advertisement, but feels that this is a win/win for the City.

Mr. Grant asked that authority be extended to the committee to be part of the decision making process.

The Roll was called for the amendment.

**\*\* AMENDMENT PASSED WITH (8) EIGHT IN FAVOR (MR. COFFEY; MS. ROMANO; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. KRUMMEL) AND (6) SIX OPPOSED (MR. MIKLAVE; MR. PORUBAN; MR. KYDES; MR. HEMPSTEAD; MS. STRANITI; MS. BRIGGS) AND (1) ABSTENTION (MR. SUTTON)**

**\*\* MAIN MOTION PASSED WITH (9) IN FAVOR (MR. COFFEY; MR. PORUBAN; MS. ROMANO; MR. GRANT; MR. MCQUAID; REV. BOLDEN; MR. HILLIARD; MR. BONDI; MR. KRUMMEL) AND (6) SIX IN OPPOSITION (MR. MIKLAVE; MR. SUTTON; MR. KYDES; MR. HEMPSTEAD; MS. STRANITI; MS. BRIGGS)**

**\*\* MR. KRUMMEL MOVED TO APPROVE THE FOLLOWING ITEM**

**\*\* MR. HEMPSTEAD MOVED THE ITEM BACK TO COMMITTEE**

Mr. Hempstead said that he is moving this item back to Committee for further review of other possible locations.

13a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Marquise Development Group, for Project No. RD ☐

