

Common Council Actions

**SEPTEMBER 14, 2004
NORWALK, CONNECTICUT 8:00 PM 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, September 14, 2004, 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 and led the assembly into the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain Bruce Kimmel
Kenneth Baker Richard McQuaid
Fred Bondi Matthew Miklave (absent)
Michael Coffey Jeanette Olmstead-Sawyer
Carvin Hilliard Kevin Poruban
Douglas Hempstead (absent) Douglas Sutton
William Krummel Peter Wien
Leona Williams

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

II. ACCEPTANCE OF THE MINUTES

A. Regular Meeting – August 24, 2004

**** MR. KIMMEL MOVED APPROVAL OF THE MINUTES WITH THE FOLLOWING CORRECTIONS.**

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Page 5: VI. A. NORWALK FACILITIES CONSTRUCTION COMMISSION
The Motion for Approval states it was Mr. Kimmel. Please change to Mr. Krummel. Beginning of next paragraph states “Mr. Kimmel indicated...” It should state “Mr. Krummel indicated...”

Page 6: 2nd paragraph:
Sentence begins with “Mr. Kimmel.” Change to read “Mr. Krummel.”

**** MOTION PASSED TEN (10) VOTES IN FAVOR, THREE (3) ABSTENTIONS**

(MCQUAID, COFFEY, BAIN), TWO (2) ABSENT.

III. PUBLIC PARTICIPATION

No members of the public wished to speak this evening.

IV. MAYOR

Resignations

Mayor Knopp announced the resignations of Mr. William Kraus, from the position of Commissioner on the Norwalk Planning Commission.

Re-appointments

Mayor Knopp stated that he put forward the name of Laurel Lindstrom for reappointment to the Tree Advisory Committee. Ms. Lindstrom has been very active in land use and has the support of Mr. Nelson, who is the Chairman of the Tree Advisory Committee.

** MR. MORE MOVED TO RE-APPOINT LAUREL LINDSTOM TO THE TREE ADVISORY COMMITTEE.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE, THIRTEEN (13) FAVOR, TWO (2) ABSENT.

B. REMARKS

There were none this evening.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

** MR. KIMMEL MOVED APPROVAL OF THE CONSENT CALENDAR AS FOLLOWS:

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC HEALTH & WELFARE COMMITTEE

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 for the Risk Reduction Skin Cancer Program for the period July 1, 2004 to June 30, 2005.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the Risk Reduction Skin Cancer Program and any amendments thereto.

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 for the Cardiovascular Health Program for the period July 1, 2004 to June 30, 2005.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the Cardiovascular Health Program and any amendments thereto.

3a. 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 for the Sexually Transmitted Diseases Control Program for the period July 1, 2004 to June 30, 2006.

3b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the Sexually Transmitted Diseases Control Program and any amendments thereto.

4a. 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 for the Bioterrorism and Emergency Preparedness Program for the period September 1, 2004 through August 31, 2005.

4b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the Bioterrorism and Emergency Preparedness Program and any amendments thereto.

5a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the Connecticut Department of Children and Families under the positive Youth Development Initiative Grant for Fiscal year 2004-2007.

5b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement a Positive Youth Development Initiative Grant, pursuant to such grant funding.

B. PLANNING COMMITTEE

1a. Approve the award of the Washington Street Lighting Improvement Contract.

1b. Authorize the Mayor, Alex A. Knopp, to execute an agreement with M.J. Losito Electrical Contractors, Inc. for a sum of \$71,990.00. Funds are available in Capital Budget Acct. # 09020910 5777 C0210 and # 09040910 5777 C0210: South Norwalk Improvements.

C. PUBLIC WORKS COMMITTEE

1. Approve the proposed Fallow Street Scenic Road Improvements.
2. Accept the Necessity to Abandon a portion of Grandview Avenue and Appoint Freeholders to assess benefits and damages.
3. Accept the Necessity to Abandon a portion of West Cedar Street and Appoint Freeholder's to assess benefits and damages.
4. Authorize the Purchasing Agent to issue a Purchase Order to Visual Learning System, sole source provider to provide software upgrades and technical support for the Feature Analyst Professional Software program for the GIS, for a sum not to exceed \$3,000. Acct. # 0903 4031 5777 C0037
5. Authorize the Director of Public Works to issue Orders on Contract to New England Pipe Cleaning for Project No. DRG 2002-2, Proposed Videotaping of Drainage Systems at Various Locations, for a sum not to exceed \$10,000. Acct#0904 4027 5777 C0302

The Mayor asked Mr. Kimmel if the amounts are correct for VII. B. 9a and 9b; and VII. C. Mr. Kimmel responded that they as far as he knew they are correct.

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

B. OTHER GENERAL COUNCIL BUSINESS

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

**** MR. KRUMMEL MOVED THAT THE FOLLOWING ITEMS WILL GO INTO EXECUTIVE SESSION:**

1. Settlement of Lakeenya Young v. Louis Cundari & City of Norwalk.Exec.Session
2. Settlement of Russell Jenkins v. Louis Cundari & City of Norwalk Exec. Session
3. Authorize the Mayor, Alex A. Knopp, to enter into a Temporary Working Agreement with Assistant Corporation Counsel, Diane Beltz-Jacobson to provide for a temporary reduction in her work hours.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. NORWALK FACILITIES CONSTRUCTION COMMISSION

1a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with (the lowest responsible bidder) for the installation of roof-top HVAC unit at the Main Library for a total not to exceed (amount to be determined)

Acct # 09056210 5777 C0328

1b. Authorize the Office of Building Management to issue change order(s) on contract for a total not to exceed (amount to be determined).

Mr. Krummel stated that heading for VI. B. is incorrect. The heading should be LAND USE AND BUILDING MANAGEMENT and he suggested it should be given the Roman numeral VII E.

C. PUBLIC WORKS COMMITTEE

** MR. PORUBAN MOVED TO APPROVE THE RESOLUTION FOR NORWALK TRAFFIC SIGNAL CONTROLLER UPGRADE – PHASE 1

6. Authorize the following resolution:

RESOLUTION for Norwalk Traffic Signal Controller Upgrade - Phase 1

WHEREAS, the City of Norwalk, CT. has published a legal notice display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a public informational meeting on the proposed STP Urban Transportation project known as State Project 102-H066 City of Norwalk, CT Traffic Signal Controller Upgrade - Phase I; and

WHEREAS, a public informational open house was held on September 7, 2004 from 4:00PM to 7:00PM at which residents had an opportunity to voice their concerns; and

WHEREAS, the South Western Regional Planning Agency has selected this project as a regional priority and has agreed to utilize federal funds for right-of-way and construction activities; and

WHEREAS, the Norwalk, CT Common Council has considered the concerns of the residents from the public informational open house and finds that the proposed State Project 102-H066 City of Norwalk Traffic Signal Controller System Upgrade - Phase 1 is in the best interest of the City of Norwalk, CT and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public.

Whereas, the City of Norwalk, CT based on the above information, and by virtue of this resolution, hereby fully support the proposed project.

Mr. Poruban reported that Phase 1 is part of a multi-phase. This improvement would allow signal improvement for 24 locations at a cost of \$2.4 million, of which 8% is provided by the Federal Highway Administration and 20% is supplied by the State of Connecticut. There is a requirement for increasing the staff level by two, in order to receive the funding.

Mr. Kimmel spoke on behalf of the resolution and said that the upgrade is a substantial improvement. Traffic is a problem in Fairfield County and he endorsed the increased staff to help alleviate the hardship. Movement in this direction is positive and necessary.

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

**** MR. PORUBAN THAT THE FOLLOWING ITEMS BE MOVED TOGETHER:**

7a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Marquise Construction for Project No. TRF 2004-1, Proposed Traffic Calming Project, for a sum not to exceed \$84,525.

7b. Authorize the Director of Public Works to issue Orders on Contract to Marquise Construction for Project No. TRF 2004-1, Proposed Traffic Calming Project, for a sum not to exceed \$8,452. Acct. # 0902 4021 5777 C0235

Mr. Wien spoke in favor of traffic and safe roads; however, he suggested that \$84,000 be moved to the Youth Services Bureau, where the counselors' lose their funding as December 31st. He requested that money be moved so that it would give the city time to find additional funding for the youth program.

Mr. Poruban stated that eleven streets are represented and public hearings have been held. Residents living on these streets are very much in favor of these changes. Mr. Kimmel commented that he is in favor of 7a, but believes that an overall program should be developed that covers this area. He suggested that consultants could be hired to create a long-term plan for speed bump review. He is concerned that the speed bump issue is without parameters and guidelines for how many streets are approved and the criteria. They shouldn't be added just at the request of citizens.

Mr. Poruban offered that for the funds allocated for traffic flow, good analysis has been provided and speed bumps are the most economical solution. A police officer is more costly to employ, but the speed bump is there 24/7. Mr. McQuaid stated his support for the project, but he felt Mr. Wien had made a good point for the Youth Services Bureau.

Mr. Krummel said that he wanted to respond to Mr. Kimmel's concern about the effectiveness of speed bumps. He has seen many different traffic calming solutions are used; he can't see that they'd be more effective than speed bumps. He did suggest that

they might want to consider other alternatives such as the roundabout. Mr. Bondi referenced there was an article in The Hour that stated the city was spending \$200,000, when it should have stated the cost at \$84,000. He felt that if there is surplus it could be used to repair the potholes.

**** MOTION PASSED WITH ELEVEN (11) IN FAVOR, ONE (1) OPPOSITION (BAKER) AND ONE (1) ABSTENTION.**

**** MR. PORUBAN THAT THE FOLLOWING ITEMS BE MOVED TOGETHER:**

8a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Rondano, Inc. for Project No. DRG 2004-2, Proposed North Taylor Avenue Drainage Improvements, for a sum not to exceed \$167,980.

8b. Authorize the Director of Public Works to issue Orders on Contract to Rondano, Inc. for Project No. DRG 2004-2, Proposed North Taylor Avenue Drainage Improvements, for a sum not to exceed \$16,798. Acct. # 0903 4027 5777 C0138(\$60,000) & Acct. # 0905 4027 5777 C0138 (\$125,000)

Mr. Poruban reviewed the items and said that the passing of these items would alleviate the flooding problem. Mr. Hilliard agreed with Mr. Poruban. Mr. McQuaid said he was happy the program is moving forward, but wanted to know who will handle the trash, litter, and garbage that has accumulated. The Mayor asked Mr. Alvord to respond. Mr. Alvord said the property owners are responsible for its cleanliness. Mr. McQuaid asked if they could inform the owners of their responsibility. Mr. Poruban said that he has seen photos and from the date of photos, they were taken after the work was done. It is evident that the residents have cleaned up, whereas they couldn't have cleaned up before the water was drained.

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

VII. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

**** Mr. KRUMMEL MOVED TO APPROVE (VII. E LAND USE AND BUILDING MANAGEMENT) ON AGENDA AS VI. B. 1A AND 1B TOGETHER. THE ITEMS ARE AS FOLLOWS:**

B. NORWALK FACILITIES CONSTRUCTION COMMISSION

1a. Authorize the Mayor, Alex A. Knopp, to execute an agreement with (the lowest responsible bidder) for the installation of roof-top HVAC unit at the Main Library for a total not to exceed (amount to be determined)
Acct # 09056210 5777 C0328

1b. Authorize the Office of Building Management to issue change order(s) on contract for a total not to exceed (amount to be determined).

Mr. Krummel read the memo from Mr. Alan Lo, Building and Facilities Manager, to the Mayor and Members of the Common Council:

ACTION REQUESTED:

a. Authorize the Mayor, Alexa A. Knopp, to execute an agreement with TheGeorge Ellis Co. of New Haven, Inc. for the installation of roof-top HVAC unit at the Main Library for a total not to exceed \$97,500.00 Acct. #09056210 5777 C0328 (Library Capital) and #014071-5561 (Building Management Operating)

b. Authorize the Office of Building Management to issue change order(s) on contract for a total not to exceed \$2,500.

Mr. Krummel said this is very much needed replacement for the Children's Library at the Main

Library. Mr. Lo had noted that after thirty years of continuous operation of the present rooftop mechanical unit, a replacement is needed. It is a custom design and requires custom effort on part of a successful contractor. The nature of the problem is in getting this work done before the heating season begins. There is some urgency for approval at this meeting, because the manufacturer of the equipment can begin in October to be finished in early November. One minor point is that \$6,000 has already been spent for engineering design and that accounts for the \$6,000 which is being asked to take out of the Building Management Fund, from the account he previously stated. Mr. Krummel stated that Mr. Lo was in attendance and available if there were any questions.

The Mayor asked Mr. Lo about liability on the part of the contractor to repair any damage they may cause to the roof during the course of repair to the mechanical unit. Mr. Lo replied that. This is a non-issue, because they have been assured that the contractor assumes responsibility for their work and any repairs required caused by their crew.

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

A. CORPORATION COUNSEL

Attorney Ciccarello said he had anticipated that item VI. B. 3 would be held in open session. He advised it is a requirement that if a matter affects an employee that the employee must be notified. He recommended that the Common Council should not go forward with an Executive Session for VI. B. 3, since the employee wasn't notified.

**** MS. BAIN MOVED TO APPROVE ITEM THE FOLLOWING ITEM:**

3. Authorize the Mayor, Alex A. Knopp, to enter into a Temporary Working Agreement with Assistant Corporation Counsel, Diane Beltz-Jacobson to provide for a temporary reduction in her work hours.

Ms. Bain said Ms. Beltz-Jacobson's work is excellent and she would like the Council to accommodate her needs, but she is concerned that her work could fall behind if her hours are reduced. The Mayor assured Ms. Bain that the work has not fallen behind, even though there is a heavy load now because of school construction contracts. It is their intention to hire a special part-time attorney to deal solely with school construction matters. The State of Connecticut reimburses on various school construction costs. The Mayor stated that 30% to 40% of Norwalk's school construction is reimbursed and that New Haven receives 80% of their costs reimbursed. He feels that it is reasonable way to simplify the matter if an attorney works only on the school construction matters. It will also assist with insuring that Connecticut State reimburses these expenses. Rather than falling behind, the work will be accelerated. Ms. Bain said she appreciated The Mayor providing the larger picture. The Mayor said that the additional resolution would have been before them, but the start of the school year detained the resolution for the part-time counsel.

Mr. Krummel supported the value of Ms. Jacobson and said that she has been a victim and has been overloaded with work. Many times in his experience, he has found contractors were delinquent with finishing a contract. He would like to take a look at apologies. Working with Ms. Jacobson for fifteen years was Ms. Marie Samen, who was a valuable professional. Ms. Samen retired this summer and now there is an executive secretary, who was moved up to that position. He suspects that Ms. Jacobson will be responsible for training the new person and he is concerned about her position. Mr. Krummel would like to see it clearly stated that the temporary situation does not damage her full-time status with the city, as it would effect her pension and benefits. The Mayor offered that this request is being made at the behest of Ms. Jacobson.

**** MOTION PASSED WITH TWELVE (12) IN FAVOR, ONE (1) ABSTENTION
(MR. BONDI)**

VIII. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

**** MR. BONDI MOVED THAT THE COUNCIL GO INTO EXECUTIVE SESSION
FOR THE FOLLOWING ITEMS:**

1. Settlement of Lakeenya Young v. Louis Cundari & City of Norwalk. Exec.Session
2. Settlement of Russell Jenkins v. Louis Cundari & City of Norwalk
Exec. Session

**** MOTION PASSED UNANIMOUSLY**

The Council went into Executive Session at 8:50 p.m. and returned to public session at 9:03 p.m.

** MR. COFFEY MOVED TO APPROVE ITEMS VI. A. 1. AND VI. A. 2
** MOTION PASSED UNANIMOUSLY

** MR. BONDI MOVED TO ADJOURN AT 9:05 P.M.
** MOTION PASSED UNANIMOUSLY

Respectfully submitted by,

Katharine Reilly
Telesco Secretarial Services

