

## *Common Council Actions*

**October 12, 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, October 12, 2004, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor Alex A. Knopp called the meeting to order at 8:10 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  
Michael Coffey Jeanette Olmstead-Sawyer (absent)  
Carvin Hilliard Kevin Poruban  
Douglas Hempstead Douglas Sutton  
William Krummel Peter Wien  
Leona Williams (absent)

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

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### II. ACCEPTANCE OF THE MINUTES

#### A. Regular Meeting – September 14, 2004

**\*\* MR. BONDI MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

The following corrections were made:

Page 10 – in the first paragraph correct the spelling of Marie Saymon.

Mr. Hempstead left the Council Chambers.

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

B. Regular Meeting – September 28, 2004

Mr. Hempstead re-joined the meeting.

**\*\* MR. COFFEY MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

The following corrections were made:

Correct the footer throughout the entirety of the document to reflect the correct date of September 28, 2004.

Page 3 – Under Remarks, third paragraph, delete KB and replace with 345KV.

Page 5 – In the conclusion of the motion, correct the spelling of Mr. Wien.

Page 6 – fourth paragraph, last line, the sentence should read ....from the minority opinion of Justice Stevens.

**\*\* MOTION PASSED TWELVE VOTES IN FAVOR, ONE ABSTENTION (MR. WIEN).**

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### III. PUBLIC PARTICIPATION

Gail Wall stated that she was here this evening regarding open space and the White Barn being at risk of development. She commended the current Administration on their efforts to improve the schools but at the same time suggested that funding needed to be spent on open space as well. She referred to the amount of funding that surrounding communities put towards open space noting that Norwalk must be prepared to develop its funding. She asked that the Council members take this seriously and do as much for open space as possible without short-changing the Brien McMahon High School project.

Bill Wrenn said he considered this Administration to be going in the right direction and echoed the previous comments of Ms. Wall. He said the city needs to take a more proactive approach regarding open space, in particular White Barn. He also noted that although funding from the state has been reduced he commented that \$20,000 a year is an inadequate amount and hoped that the Common Council could figure out a way to get more money in the fund. Mr. Wrenn concluded by saying that education is the most important issue and the most expensive, however it is not the only issue.

Roger Wilcox stated that he too was here to talk about the open space issue commenting on the restoration of salt marshes in being another way to encourage open space. He noted that the more space they can preserve would be a benefit to all generations in the future.

Barbara Amodio applauded the previous three speakers. She went on to thank the Administration for bringing forth the appointment of Rev. Douglas Nissing to the Human Relations Commission. She encouraged Council members to support the appointment

noting that Rev. Nissing has integrity, intelligence and a wealth of skills in working with protected classes.

Joe Dudaco noted the absence of Mr. Wien from the last meeting with reference to the issue of the boy scouts.

Mayor Knopp interjected noting that this item was not on the agenda this evening.

Diane Lauricella asked that an amendment be made to the design standards for Brien McMahon to include LEED standards, ways in which the city can save money by using alternative energy sources –she commented that many ways are not currently being utilized. She also referred to the open space plan asking Council members to look at the balance to put monies back into this program.

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#### IV. MAYOR

##### A. RESIGNATIONS AND APPOINTMENTS

Mayor Knopp said that he was pleased to put forth the name of Douglas Nissing to serve on the Human Relations Commission noting that he is very active in the community; he is a member of the East Norwalk Improvement Association and has been involved in public health and youth activities.

**\*\* MR. BONDI MOVED TO APPOINT DOUGLAS F. NISSING TO THE HUMAN RELATIONS COMMISSION.**

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

##### B. REMARKS

Mayor Knopp stated that he wished to thank a resident of Norwalk who had rendered a public service to the community and is now retiring. He thanked John Linqvist, the chairman of the Mayor's IT committee who has brought real vision to all of the items brought before the Council. He went on to say that Mr. Linqvist had done so much for the city as a volunteer and has got the city underway to realize its dream of a modern IT system that makes a more efficient government.

Mr. Poruban said that he had had the pleasure of working with Mr. Linqvist on the IT committee noting that he will be greatly missed.

There was a round of applause for Mr. Linqvist.

Mr. Linqvist noted his thanks, saying that it was a great opportunity to be in the right place at the right time. He said that timing is critical especially when the time is right for

change and vision. The city will gain from the systems now in place; the educational system will have the greatest benefit.

Mayor Knopp thanked Mr. Linquist acknowledging Ms. Linquist, their daughter and two grandchildren in the audience.

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## V. COUNCIL PRESIDENT

### A. CONSENT CALENDAR

\*\* MR. KIMMEL MOVED APPROVAL OF THE CONSENT CALENDAR AS AMENDED.

## VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

### A. NORWALK FACILITIES CONSTRUCTION COMMISSION

1. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary with Yankee Gas Services Company for the supply and installation of gas services to Brien McMahon High School for a total amount not to exceed \$72,657.00. Acct. # 0902/03/04 5010-5777-C0237

Mr. Kimmel moved consent to remove the following five items from the table.

### C. BOARD OF ESTIMATE & TAXATION Tabled at the Sept 28, 2004 meeting

1. RESOLVED, APPROPRIATING \$931,446 FOR THE South Norwalk Library Renovation (Project No. 09056210 5777 C0153).

### D. NORWALK FACILITIES CONSTRUCTION COMMISSION

1a. RESCIND Common Council Action of March 9, 2004, Item VI. A. 1. which authorized the following: "Authorize the Mayor, Alex A. Knopp, to execute an agreement with Klewin Building Company as the Construction Manager Constructor (CMc) for the South Norwalk Library Renovation Project. Terms of the agreement are provided in attached memo dated February 27, 2004. Upon receipt of trade contractor's bids, a Guaranteed Maximum Price (GMP) will be established which will be based on the total trade contractors' bids, general conditions costs, CM fees, CM contingency and reimbursable expenses. GMP will be submitted to the Common Council for final approval. Account # 0900/03/04-6210-5777-C0253

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents with AP Construction Company necessary to accept a Guaranteed Maximum Price for the South

Norwalk Library Additions and Renovations Project for a total amount not to exceed \$3,450,000.00. Account # 0900/03/04/05 – 6210-5777-C0153

1c. Establish an allowance for an Owner's Contingency for an amount not to exceed \$335,000.00.

1d. Authorize the NFCC to issue change orders on contract for a total not to exceed the Owner's Contingency Allowance.

Mr. Kimmel continued with the items to be included on the consent calendar.

## VII. COMMON COUNCIL COMMITTEES

### A. LAND USE & BUILDING MANAGEMENT COMMITTEE

2. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Innovative Interfaces, Inc.'s contract for computer software and hardware maintenance services for the Norwalk Public Library. The amendment periods and costs shall be as follows: 7/1/04 - 6/30/05 for \$29,732.00, 7/1/05 - 6/30/06 for \$31,068 and 7/1/06 - 6/30/07 for \$31,104. Acct. # 01-6200-5258

### B. PUBLIC WORKS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with New England Paving, for Project No. 4R 2004-3, Proposed Bituminous Concrete Permanent Repair with the Southern Section, for a sum not to exceed \$100,625.00.

1b. Authorize the Director of Public Works to issue Orders on Contract to New England Paving, for Project No. 4R 2004-3, Proposed Bituminous Concrete Permanent Pavement within the Southern Section, for a sum not to exceed \$10,062.50. Acct # 03 0000 2602

2a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with New England Paving, for Project No. 4R 2004-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section for a sum not to exceed \$100,625.00.

2b. Authorize the Director of Public Works to issue Orders on Contract to New England Paving, for Project No. 4R 2004-2, Proposed Bituminous Concrete Permanent Pavement Repair within the Northern Section for a sum not to exceed \$10,062.50. Acct. # 03 0000 2602

3. Authorize the Mayor, Alex A. Knopp, to execute a Subordination Agreement for a drainage easement and a sanitary sewer easement on property at 3 Duke Place, Norwalk, Connecticut, owned by 381 Connecticut Avenue Corporation.

4. Authorize the Purchasing Agent to issue a Purchase Order to Trius Inc. for the purchase of a Holder 2002 model C-240 used (approximately 175 hours) municipal multi-purpose vehicle, with snow blower, sander, V-plow and straight plow, for a sum not to exceed \$45, 000.

#### C. PLANNING COMMITTEE

2. Approve the North Walke Housing Corporation's application for un- programmed CDBG funds for use in the implementation of the Neighborhood Improvement Program in the amount of \$50,000.

Mr. Miklave requested that Item VII C 1 be removed from the consent calendar, as the resolution has to be read into record.

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

#### B. OTHER GENERAL COUNCIL BUSINESS

There was no other business this evening.

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### VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

#### A. NORWALK FACILITIES CONSTRUCTION COMMISSION

2. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Fletcher Thompson Inc.'s architectural/engineering design services contract for Brien McMahon High School/Center for Global Studies Improvement Project, for additional compensation relating to the preparation of re-bid packages for an amount not to exceed \$70,000.00. Acct # 0902/03/04 5010 – 5777 – C0237

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mayor Knopp indicated that both John Hawley and Alan Lo were present to answer questions.

Mr. Krummel said this item relates to the necessity to bring the Brien McMahon High School project in under budget with the surprising increase in construction costs. As a result, both the construction manager, Gilbane and the architect, Fletcher Thompson engaged in value engineering, an extensive re-preparation of bid packages requiring additional work; the city recognized the amount of work that was required and proposed an amount to settle of \$70,000 which was initially accepted by Fletcher Thompson. Mr. Krummel said he was personally uneasy with the arrangement because at the original presentation by Gilbane before they were given the contract for the job there was quite a bit of attention paid to the importance of value engineering in a project of this magnitude.

This was a risk undertaken by the architect to take care of changes that might occur in the future as necessary to have a quality project.

Ms. Bain said she would support the motion. The issue of value engineering was very extensive and went through considerable discussion at the Adhoc level and was essential in bringing this project within the constraints of the appropriation. The bids, when they came in, were considerably over-estimate by several million dollars and after extensive work this is a reasonable settlement.

Mr. Hempstead said he too was uneasy with this, as it is double the initial projection. Mayor Knopp said that as part of the original discussion, more was asked for, however the city refused to go any higher than \$70,000.

Mr. Hawley said the original contract was for \$3 million for all of the design fees associated with Brien McMahon. He said the city took a hard line and settled at \$70,000.

Mr. Kimmel said when the original bids came in he was concerned, however said he was pleased with the re-bid as it has gone smoothly. He noted that they should maintain a clear vision of scale on this project; it is \$74 million project.

Mayor Knopp said part of the issue was that the city was under certain time constraints in order to get the re-bidding done to submit the new results to the state for approval. One possibility was to spend weeks re-negotiating this with Fletcher Thompson but that would have jeopardized their responsibility to meet the timetables; in order to do the work they had to agree to the \$70,000.

Mr. Hawley concurred; adding that at the time costs were escalating rapidly and the entire re-design accomplishment took three and half weeks. He said that they did see the results of those efforts and they did go through a lengthy process to make sure that the documents were re-filed with the state.

The Mayor said that if this claim is not accepted, then Fletcher Thompson have the right to make a claim against the city for the full \$210,000 and hypothetically the city could be at risk. He concluded by saying that they have settled the claim for \$70,000, not \$210,000; the timing was correct so they could re-submit the documents to the state and this has helped to keep the project on schedule.

Mr. Hawley explained that this \$70,000 is the original amount agreed upon - it is not an additional \$70,000. The amount is the same as originally proposed.

Mr. Hempstead noted that this clarification alleviated his concern. He was under the impression that this request was for \$70,000 in addition to the original \$70,000.

Mr. Krummel wished to make sure that his remarks regarding value-engineering effort did not reflect poorly on the work of Fletcher Thompson, he commented that he thought they have done an excellent job.

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

3. Authorize the Mayor, Alex A. Knopp to execute an agreement with URS Corporation to provide architectural and engineering design services for the Columbus Magnet Elementary School Alteration Project for an amount not to exceed \$227,450.00 (Account # 09045010-5777-B314) and Tracey Elementary School Alteration Project for an amount not to exceed \$228,550 (Account # 09045010-5777-B0311), for a total amount not to exceed \$456,000.00

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Coffey recused himself and exited the Common Council Chambers.

Mr. Krummel stated that this is the next significant step of the Norwalk Schools Facilities project saying that this is an excellent example of the efforts the city have made to strengthen its educational system. In this particular case to combine two similar schools projects with one architect, he suggested was an excellent approach and commended all involved.

Mr. Hempstead clarified that all the members were listed in the back-up material.

Mr. Krummel replied that they were.

Mr. Hempstead said it was his concern in that the list of names did not include a council member and it did not include a member of the Board of Education.

Mr. Kimmel commented that he considered this to be terrific to renovate more than one school at a time under tough financial conditions.

Mr. Poruban said that he is pleased to support this. He noted that he had previously been on the PTO Council one of the things that had struck him was that the previous Administration renovated a school approximately every three years. He said that they now are showing that they can move forward renovating multiple schools.

Mayor Knopp noted his appreciation of previous remarks, and he said the principle benefit that they would gain from having one architect do both schools is a higher level of on-sight service. The financial savings are about \$20,000 but to use one architect in the two schools means that they will be in Norwalk for more time and be available more often. He said they considered this would enhance the on-sight quality.

**\*\* MOTION PASSED ELEVEN VOTES IN FAVOR, ONE ABSTENTION (MR. HEMPSTEAD) BY VOICE VOTE.**

## **VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS**

### **C. BOARD OF ESTIMATE & TAXATION Tabled 9/28/04**



1. RESOLVED, appropriating \$931,446 for the South Norwalk Library Renovation (Project No. 09056210 5777 C0153).

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

Mayor Knopp indicated that the Board of Estimate and Taxation approved this, also that the Second Taxing District met two weeks ago for approval for funding one half of the total amount of the project, less the \$500,000 state grant.

Mr. Coffey re-joined the meeting.

Mr. Hempstead referred to the memo included in the back-up material asking what was in the overall surplus capital fund.

Mayor Knopp replied approximately \$4 million.

Mr. Hempstead confirmed that this item would go before the Planning Commission and the Board of Estimate and Taxation.

Mayor Knopp concurred.

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

D. NORWALK FACILITIES CONSTRUCTION COMMISSION Tabled 9/28/04

1a. RESCIND Common Council Action of March 9, 2004, Item VI. A. 1. which authorized the following: "Authorize the Mayor, Alex A. Knopp, to execute an agreement with Klewin Building Company as the Construction Manager Constructor (CMc) for the South Norwalk Library Renovation Project. Terms of the agreement are provided in attached memo dated February 27, 2004. Upon receipt of trade contractor's bids, a Guaranteed Maximum Price (GMP) will be established which will be based on the total trade contractors' bids; general conditions costs, CM fees, CM contingency and reimbursable expenses. GMP will be submitted to the Common Council for final approval. Account # 0900/03/04-6210-5777-C0253

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all documents with AP Construction Company necessary to accept a Guaranteed Maximum Price for the South Norwalk Library Additions and Renovations Project for a total amount not to exceed \$3,450,000.00. Account # 0900/03/04/05 – 6210-5777-C0153

1c. Establish an allowance for an Owner's Contingency for an amount not to exceed \$335,000.00.

1d. Authorize the NFCC to issue change orders on contract for a total not to exceed the Owner's Contingency Allowance.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE FOUR ITEMS.**

Mr. McQuaid asked if Klewin had done away with all of their contracts in Connecticut now.

Mr. Hawley replied that most of their construction contracts were reassigned to AP Construction.

Mr. McQuaid asked if there was any knowledge of this during contract negotiations.

Mr. Hawley indicated that there was no knowledge of this adding that Klewin were also surprised by the result. He said that last March AP had been selected as the second favorite; Klewin had been cheaper, however both were deemed highly qualified.

Mayor Knopp commented that it was fortunate that AP are the construction managers for Norwalk Police Station. Also that the main representatives of Klewin working on the south Norwalk Library will be hired by AP Construction.

**\*\* MOTION PASSED TWELVE VOTES IN FAVOR, ONE ABSTENTION (MR. MCQUAID) BY VOICE VOTE.**

## **VII. COMMON COUNCIL COMMITTEES**

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

1. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary for the sale of Surplus Property located on Lenox Avenue (District 5, Block 81, Lot 354) adjacent to Brien McMahon High School to KJC Real Estate Development, LLC for the amount of \$201,600.00 Funds for the sale of the property shall be deposited into the Open Space Acquisition Capital Budget Account.

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel referred to the recommendation from the Director of Finance for an amendment to the item.

**\*\* MR. KRUMMEL MOVED TO AMEND THE ITEM BY CHANGING THE LAST SENTENCE TO READ – FUNDS FROM THE SALE OF THE PROPERTY SHALL BE DEPOSITED INTO THE CAPITAL FUND OF THE CITY.**

Ms. Bain said that she had fought to get more money into this account and recognized the need for the funds to be brought to a higher level.

Mayor Knopp suggested they act upon the substitute before debating the matter.

Mr. Kimmel said the recommendation from the finance department indicates that it is not so simple just to move money in and out of capital accounts, you have to go through a process and that process is dictated by the Charter. He said what they are doing is

creating the basis for future discussion of this very issue – they have to take care of this step first.

Mr. Hempstead asked Corporation Counsel if they concurred with this legally.

Mr. Ciccarella said that he had spoke with Mr. Hamilton about this and he did concur having been a member of the Board of Estimate for six years. He said they operate by way of appropriation; this has to go through the Board of Estimate and Taxation first.

Mr. Hempstead asked if this is the correct process did that mean that a council committee through its department could not initiate a request for the funds and start the process.

Mr. Cicarella said this is the first step is to receive the money. By doing this they are accepting the offer; that will go into the capital fund and then it can be initiated.

Mr. Hempstead indicated that he wished to amend the resolution.

Mayor Knopp said procedurally it would be correct to act upon Mr. Krummel's amendment and then to act upon another amendment.

Mr. Krummel noted that he was in favor of the amendment as he saw it as an essential first step in this process. He said the next step would be where the money will go and how they will support the open space fund.

**\*\* AMENDMENT PASSED ELEVEN VOTES IN FAVOR, TWO ABSTENTIONS (MR. MCQUAID, MR. HEMPSTEAD) BY VOICE VOTE.**

Ms. Bain said as a supporter of the issue of open space she also wanted to point out a few issues particular to the Brien McMahon project and having to stay within the appropriation that the city allows. Due to the market conditions the bids that were received were considerably over what was estimated to the tune of several million dollars. Most of this was accomplished through the hard work of Gilbane and Fletcher Thompson on items that did not affect the program. There were, however, items that had programmatic impact that had to come out of the budget in order to stay on target and to leave an owners' contingency. When the issue of the sale of the property came up and the prospect of having some funds to recapture some of the items that had been put on hold became very important. Ms. Bain indicated that this is a difficult project in that it is a renovation and the costs of the unforeseen issues make them want to hold on to as much of the owners' contingency as possible.

Mr. Krummel thanked the members of the public for their input on this particular issue. He added that he too supported the Brien McMahon project and he pointed out that about two months ago they had before them the disposition of the future expectation of funds from CL&P as a result of the energy conservation measures that were taken or are to be taken in the construction. This is another item that should be considered for the report of the Brien McMahon project, on the other hand he reminded council members how they

fought to include \$20,000 for the open space fund. He agreed with the speakers that they must provide an adequate fund for projects coming down the pipeline. Mr. Krummel concluded by saying that he thought they were caught between a rock and a hard place on how to take care of this money but it was important to note that both of these causes demand their attention.

Mr. Hempstead stated that he had not received any information indicating that this money had been earmarked for the Brien McMahon High School project.

**\*\* MR. HEMPSTEAD MOVED TO AMEND THE MOTION TO ADD: IT IS ALSO THE DESIRE OF THE COUNCIL TO HAVE THESE FUNDS ALLOCATED TO THE OPEN SPACE ACCOUNT.**

Mr. Hempstead stated that he had left out the word “intent” however; he said he considered it important that the Council show their intent to put the money into the open space account.

Mayor Knopp stated that he did not believe that a special appropriation could be initiated by a council committee. Secondly, the Mayor said that every time he had mentioned the sale of this property in public he had always said that the proceeds would be earmarked for the Brien McMahon project.

The Mayor said the council has recognized that there are many, many aspects that of the city’s infrastructure that are under-budget, he referred to the roads, city and school technology, roofs etc. The facilities of the city have not been properly maintained so all the needs that have been mentioned are valid needs but they have to figure out what is the right balance to strike. The City has adopted its maximum debt financing to maintain its triple A bond rating in order to carry out the school improvement and the capital budget is severely limited for non-school items. Therefore, since \$3 million (roughly) was deducted for the Brien McMahon project they tried to look for ways to replace it and that was when it was suggested to sell the parcel of land. Mayor Knopp said as a matter of priorities, before adopting the amendment on how the money should be allocated there should be an opportunity for some commentary, a fair public hearing process. He said he did not think it was prudent for the city to exceed its bottom line of this project and especially when the easiest part of Brien McMahon is near completion and the most difficult part of Brien McMahon is just beginning. The easiest part was the addition for the Center for Global Studies, the most difficult part is to start the renovation work on the existing structure as that is where, for the most part, where one funds the most anticipated construction difficulties and increases in costs.

Mr. Kimmel said when said they were one of the few towns that did not have an open space fund and in the 1990’s there was a long discussion about the creation of this fund. When creating the ordinance for the open space fund they studied those of the surrounding communities and it was then that they recognized that just about every single town has something in their ordinance to give it teeth, to guarantee some kind of flow of constant funds. He said they do not have any such mechanism in their ordinance right

now. When they get to the capital budget they have one problem after another and a lot of items come up short in every department. Mr. Kimmel suggested that they re-visit the ordinance of other towns so they can get a constant flow of funds to prevent them from getting into these kinds of discussion in the future. He said he could not support this amendment as it is written, as they have to move forward with the school projects.

Mr. Wien stated that he would be supporting the amendment. He said they do need balance and that \$20,000 is way out of balance for the open space fund, also that he believed that open space that is something they should endorse forever and they should focus on this and not to put it off. He said he would like to see money in the open space fund as quickly as possible.

Mr. Krummel suggested that if open space is taken away for development that there be compensation in terms of additional support for open space for future action.

Mr. Hempstead said this shows how valuable the lot has become and money should be set aside to acquire other land access.

Mayor Knopp stated that this land was not acquired to be part of the Brien McMahon campus.

**\*\* AMENDMENT FAILED NINE VOTES OPPOSED, FOUR VOTES IN FAVOR (MR. HEMPSTEAD, MR. MCQUAID, MR. WIEN, MR. KRUMMEL) BY ROLL CALL VOTE.**

**\*\* MAIN MOTION AS AMENDED PASSED TEN VOTES IN FAVOR, THREE VOTES OPPOSED (MR. HEMPSTEAD, MR. MCQUAID, MR. WIEN) BY VOICE VOTE.**

### C. PLANNING COMMITTEE

1. Approve the Resolution of the Legislative Body authorizing the Mayor, Alex A. Knopp to file an application for state financial assistance in an amount not to exceed \$50,000 together with all related documents in order to undertake the Wall Street Bridge Renovation Project.

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

City Clerk, Pam Stark read the following into the record.

WHEREAS, pursuant to §4-66(c) of the Connecticut General Statutes the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the city of Norwalk make an application to the state for \$50,000 in order to undertake the Wall Street Bridge Renovation Project and to execute an Assistance Agreement.

NOW, THEREFORE BE IT RESOLVED by the Norwalk Common Council that it is cognizant of the conditions and prerequisites for the State Assistance imposed by §4-66(c) of the Connecticut General Statutes that the filing of an application for State financial assistance by the City of Norwalk, Connecticut in an amount not to exceed \$50,000 is hereby approved and that mayor, Alex A. Knopp, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute as Assistance Agreement with the state of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the City of Norwalk, Connecticut.

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

#### **B. CORPORATION COUNSEL EXECUTIVE SESSION**

1. Authorization to settle claim: Lucy Vallere v. City of Norwalk

**\*\* MR. BONDI MOVED TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF AUTHORIZATION TO SETTLE CLAIM: LUCY VALLERE V. CITY OF NORWALK.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Mayor and members of the Common Council went into executive session at 10:04 pm; they reconvened into public session at 10:20 pm.

**\*\* MR. COFFEY MOVED APPROVAL OF THE ITEM.**

**\*\* MOTION PASSED UNANIMOUSLY.**

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#### **VIII. RESOLUTIONS FROM COMMON COUNCIL**

There were none this evening.

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#### **IX. MOTIONS POSTPONED TO A SPECIFIC DATE**

There were none this evening.

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X. SUSPENSION OF THE RULES

There were none this evening.

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XI. ADJOURNMENT

\*\* MR. BONDI MOVED TO ADJOURN.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting was adjourned at 10:20 pm.

ATTEST: \_\_\_\_\_  
Pam Stark, City Clerk

