

Common Council Actions

DECEMBER 14, 2004, 2004
NORWALK, CONNECTICUT 8:00 PM EST, 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, December 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 8:10 pm and lead 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.

III. ACCEPTANCE OF THE MINUTES

A. Regular Meeting – November 23, 2004

** MR. BONDI MOVED APPROVAL OF THE MINUTES AS PRESENTED.
** MOTION PASSED NINE VOTES IN FAVOR, FOUR ABSTENTIONS (MR. PORUBAN, MR. MIKLAVE, MR. MCQUAID, MR. HEMPSTEAD) BY VOICE VOTE.

III. PUBLIC PARTICIPATION

Kelly Straniti said it was her pleasure to serve on the Charter Revision Commission, but she noted that her comments this evening were with regard to the position of town clerk being changed to an appointed position from an elected position. Ms. Straniti stated that

she was in favor of this as it is not a political position, they just need the right person for the job; she hoped that the changes would be accepted.

Mayor Knopp thanked Ms. Straniti for her service on the Charter Revision Commission.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

Resignations

Mayor Knopp announced the resignations of Douglas Hempstead from the NFCC and Chris Person from SWRPA.

Reappointments

Under reappointments, Mayor Knopp put forth the name of Jeannine Soper to be reappointed to the Board of Assessment Appeals, noting her diligent attendance and that she was highly recommended by the tax assessor.

**** MS. BAIN MOVED TO REAPPOINT JEANNINE SOPER TO THE BOARD OF ASSESSMENT APPEALS.**

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

Mayor Knopp requested that they take up the next three reappointments for alternates to the Board of Assessment Appeals as a block. He noted that all three members have been serving as alternates and they all came highly recommended by the tax assessor.

**** MR. COFFEY MOVED TO REAPPOINT ARLINE CIOFFI, JUDITH METZGER AND JANE READY TO THE BOARD OF ASSESSMENT APPEALS.**

Mr. Hempstead asked as a matter of course if all members appointed to this Board are all up to date with their taxes and that the due diligence was done.

Mayor Knopp acknowledged Mr. Hempstead's concerns.

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

As a Mayor's appointment, Mayor Knopp noted that he was pleased to reappoint Thomas Closter, Harold Alvord and Sanford Anderson to the Code Enforcement.

For reappointment to the Harbor Management Commission, Mayor Knopp put forth the name of Jose Cebrian noting his diligent attendance.

**** MR. BONDI MOVED TO REAPPOINT JOSE CEBRIAN TO THE HARBOR MANAGEMENT COMMISSION.**

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

Also for reappointment to the Harbor Management Commission, Mayor Knopp put forth the name of Richard Ramsey, an active member and chairman of one of their many sub-committees.

**** MR. COFFEY MOVED TO REAPPOINT RICHARD RAMSEY TO THE HARBOR MANAGEMENT COMMISSION.**

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

Mayor Knopp stated that he was pleased to nominate Kenneth Lalime for reappointment to the Board of Health; he noted that Mr. Lalime will continue to bring his knowledge of environmental science and he came highly recommended by Tim Callahan.

**** MR. PORUBAN MOVED TO REAPPOINT KENNETH LALIME TO THE BOARD OF HEALTH.**

Mr. Miklave recused himself and exited the Common Council chambers.

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

Mr. Miklave rejoined the meeting.

For reappointment to the Pension Board of Trustees, Mayor Knopp stated that Charles Pirro has served as a member for a long time saying that longevity is quite an asset on this Board as they go through long-term changes.

**** MR. BAKER MOVED TO APPOINT CHARLES PIRRO TO THE PENSION BOARD OF TRUSTEES.**

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

Appointments

Mayor Knopp indicated that he was pleased to nominate Ivy Burke to the Board of Health stating that she is a coordinator of the after-school alliance.

**** MS. BAIN MOVED TO APPOINT IVY BURKE TO THE BOARD OF HEALTH.**

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

Also as an appointment to the Board of Health, Mayor Knopp put forward the name of Roberto Jimenez. The Mayor stated that Mr. Jimenez is one of the founders of the Community Health Center and he has a lot of experience with the outreach programs of the city.

**** MR. MCQUAID MOVED TO APPOINT ROBERTO JIMENEZ TO THE BOARD OF HEALTH.**

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

Finally, Mayor Knopp put forth the name of Richard McQuaid to serve on the Norwalk Facilities Construction Commission.

** MR. HEMPSTEAD MOVED TO APPOINT RICHARD MCQUAID TO THE NFCC.
** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. REMARKS

There were none this evening.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

** MR. BONDI MOVED APPROVAL OF THE CONSENT CALENDAR AS PRESENTED.

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

B. NORWALK FACILITIES CONSTRUCTION COMMISSION

3. Authorize the Purchasing Agent to issue purchase order(s) to Universal Business Equipment Corp for technology equipment for the BMHS/Global Studies Magnet Project for a total not to exceed \$58,846.00 (included a contingency in the amount of \$1,500). Acct. #0902/03/04-5010-5777-C0237

4. Authorize the Purchasing Agent to issue purchase orders(s) to Chester Technical Services Inc. for the (3) 6-station Sony Language Labs for the BMHS/Global Studies Magnet Project for a total not to exceed \$56,227.00 (included a contingency in the amount of \$1,000). Acct. #0902/03/04-5010-5777-C0237

5a. Authorize the Mayor Alex A. Knopp, to execute an amendment to AT&T Solutions' agreement for the new telephone system at Brien McMahon High School to include the complete scope of BMHS Bid Package 17A - Data Network as issued by Gilbane Building Company for a total not-to-exceed \$300,845 (includes a contingency in the amount of \$10,000). Acct 0902/03/04-5010-5777-C0237

5b. Authorize the NFCC to issue change order(s) on contract for a total not to exceed \$10,000.

6a. Authorize the Mayor, Alex A. Knopp, to execute an amendment to AT&T Solutions' agreement for the new telephone system at Brien McMahon High School to include the supply and installation of a voice mail system for a total amount not to exceed \$17,661.05. Acct. # 0902/03/04 5010-5777-C0237

6b. Authorize the NFCC to issue change orders(s) on contract for a total not to exceed \$1,766.11.

7a. Authorize the Mayor, Alex A. Knopp, to execute an amendment to AT&T Solutions' agreement for the new telephone system at the New Police Station to include the supply and installation of voice mail system for a total amount not to exceed \$16,716.22. Acct. # 0903/04-0310-5777-C0137

7b. Authorize the NFCC to issue change order(s) on contract for a total not to exceed \$1,671.62.

VII. COMMON COUNCIL COMMITTEES

B. PLANNING COMMITTEE

1. Approve the amendment of the 2004-05 (PY30) Annual Action Plan for Housing and Community Development to reprogram \$58,120.00 of PY30 unprogrammed funds for the George Washington Carver Center / Carver Rehab Engineering project.

C. PUBLIC WORKS COMMITTEE

1. Authorize the Purchasing Agent to purchase a large format printer/scanner from HP Direct for a sum not to exceed \$4,500. (Authorized by the ITT Committee on Wednesday, November 10, 2004/price includes \$1,140 for toner cartridge replacement.) Acct. # 09 03 4031 5777 C0037

D. PUBLIC HEALTH & WELFARE COMMITTEE

1. Approve a Technical Correction to the Common Council action taken at its September 14, 2004 meeting under Item VII. A. 4a. to change the dates from September 1, 2004 through August 31, 2005 and to correct the action to read as follows.

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 August 31, 2004 through August 30, 2005.

E. FINANCE COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the AT&T Solutions contract for the supply and installation of an enterprise voice mail system for a total amount not to exceed \$79,365.73. Acct # 010600-5255

Mr. Bondi moved approval to table the following item.

VIII. RESOLUTIONS FROM COMMON COUNCIL

Resolution presented by Councilmen Bondi and McQuaid.

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

B. OTHER GENERAL COUNCIL BUSINESS

Mr. Bondi announced Richard McQuaid as the minority leader for the coming year.

Mayor Knopp congratulated Mr. McQuaid.

1. Accept the final report of the Charter Revision Commission, which was finalized on October 21, 2004. [C.G.S. §7-191(d)]
Majority vote of the entire membership required.

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

Mayor Knopp thanked all of the members of the Charter Revision Commission; commenting that it was a unanimous report. The Mayor also thanked Art Sciallaba for coming to the public hearing to support the item; he noted that this is the way that ordinance changes should be done, on a bi-partisan basis.

Mr. Kimmel stated that he supported this item noting that he was one of the few people who has been involved with the time change for a long time saying that he thought it was long overdue. He said he was very pleased, as this will allow all of the departments including the finance department to work on the budgets and to figure out how they can generate savings. He commended the Charter Revision Commission and all of the public who came out to speak on this.

Mr. Hempstead echoed the comments of Mr. Kimmel noting his appreciation of the Law Department for their promptness. He requested that the response from the Law Department be included with the minutes packet.

**** MOTION PASSED THIRTEEN VOTES IN FAVOR BY ROLL CALL VOTE.**

2. Set date to send the proposed Charter Amendments to Referendum as: November 8, 2005, which is the next Regular/General Election.[C.G.S. §7-191(e)]

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

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

3. Approve the Charter Revision questions and explanatory language for the November 8, 2005 ballot:

Question #1. Shall the position of Town Clerk be changed to an appointed position from an elected position?

Question #2. Shall the schedule for adoption of the operating budget be changed so that it occurs one month closer to the start of the Fiscal Year?

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

Mr. Bondi commented that the change regarding the explanation for question 2 the date of December 15th should be changed to December 31st.

Mayor Knopp indicated that the change would be made.

Mr. Kimmel commended the law department for the simplicity of the language.

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

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. BOARD OF ESTIMATE AND TAXATION

1. RESOLVED, that a sum not to exceed \$50,000 be and the same is hereby transferred from Contingency to the Law Department to pay for Other Professional Services. Acct. # 01-0300-5258

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

Ms. Bain recused herself and exited the Council Chambers.

Mr. Kimmel stated that the law department has been very active and when they do next year's budget they could be more sensitive to this; he noted his appreciation for the back-up material.

**** MOTION PASSED TEN VOTES IN FAVOR (MR. BAKER, MR. COFFEY, MR. MIKLAVE, MR. SUTTON, MR. WIEN, MR. HILLIARD, MR. BONDI, MR. PORUBAN, MR. KIMMEL, MR. KRUMMEL) TWO VOTES OPPOSED (MR. MCQUAID, MR. HEMPSTEAD) BY ROLL CALL VOTE.**

Ms. Bain rejoined the meeting.

B. NORWALK FACILITIES CONSTRUCTION COMMISSION

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with O&G Industries as the Construction Manager (CM) for the Norwalk High School Improvement Project.

Terms of the agreement shall include the following:

Preconstruction Phase Services (including Reimbursable allowance) \$135,000

CM Fees (% of the cost of the work) 2%

Estimated CM General Condition Fees (to be finalized at the time of GMP) \$1,574,232

CM Contingency (% of the cost of the work) 5%

GMP to be submitted to the Common Council for final approval.

Acct. # 0904-5010-5777-B0310

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

Mr. Krummel indicated that they had a competent selection committee to review the process for this particular project. He noted that O&G were the lowest bidder of all of the bids that were approved with state regulations. He added that the 5% contingency is part of the estimated total cost of the construction manager's fee, but the city will get back any unused portion of the contingency.

Mr. Hempstead stated that he would not be voting in favor of this item, as there was an absence of elected officials on the selection committee. He also asked that a check be done on the on-going issues with O&G and Ridgefield Board of Education.

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

2. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Turner Construction Company as the Construction Manager (CM) for the Kendall School Improvement Project. Terms of the agreement shall include the following:

Preconstruction Phase Services (including

Reimbursable allowance) \$53,000

CM Fees (% of the cost of the work) 2.5%

Estimated CM General Condition Fees

(to be finalized at the time of GMP) \$623,000

CM Contingency (% of the cost of the work) 5%

GMP to be submitted to the Common Council for final approval.

Acct. #0903-5010-5777-C0259, 0904-5010-5777-B0313

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

Mr. Miklave and Mr. Coffey recused themselves and exited the Council Chambers.

Mr. Krummel stated that again there was an excellent selection committee for this project and they approved the lowest, overall, acceptable bid. The committee felt that Turner has the experience to deal with such a complex project.

Mr. Kimmel said this was particularly important after considering the enrollment numbers of the schools.

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

Mr. Miklave and Mr. Coffey rejoined the meeting.

8. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Gilbane Building Company's program management contract for period beginning January 1, 2005 and ending December 31, 2005 for a total not to exceed \$1,079,344. Where applicable, the

appropriate fee will be charged against specific projects for future State reimbursement. Funds are available from various capital budget accounts.

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

Mr. Krummel noted his experience in construction and said that it has been his pleasure to experience an outstanding project manager, John Hawley.

Ms. Bain echoed the comments of Mr. Krummel saying that having worked closely with members of Gilbane and having this team shepherd the city through their myriad of projects has been immensely important.

Mr. Kimmel asked how long the interview process takes.

Mr. Lo gave the details on hiring an architect and construction including various meetings and selection interviews noting that it could take from 4-6 hours depending on the number of applicants.

Mr. Kimmel asked how members of the selection committee could find the time.

Mr. Lo commented that it was difficult for all members who have full time jobs as there are many projects and this is a lengthy process.

Mr. Kimmel asked if this was a more thorough process.

Mr. Lo replied that it was more consistent and efficient noting that the hardest job is that of the purchasing department, as everything has to go through them.

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

9. Authorize the Purchasing Agent to issue Purchase Orders to SBC for the supply and installation of eight E911 stations at the new Police Station for a total not to exceed \$131,572.17 (includes a contingency of \$3,000). Acct. # 0903-4031-5777-C0137

MR. KRUMMEL MOVED APPROVAL OF THE ITEM.

Mr. Poruban recused himself and exited the Council Chambers.

Sergeant Dave Wrinn stated that they have four 911 stations in the current facility and when they move to the new facility they will have eight.

Mr. Lo indicated that the NFCC met last Wednesday night and this item was brought up; at that time SBC needed approval by January 1, 2005 so it was recommended to go on the Council agenda tonight.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Mr. Poruban re-joined the meeting.

VII. COMMON COUNCIL COMMITTEES

E. FINANCE COMMITTEE

2. Accept and Approve the Report of the Claims Committee Dated December 9, 2004.

** MR. KIMMEL MOVED APPROVAL OF THE ITEM.

Mr. Miklave recused himself and exited the Council Chambers.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Mr. Miklave re-joined the meeting.

A. ORDINANCE COMMITTEE

1. Proposed change to Norwalk Code to add “Panhandling” Ordinance.

** MR. COFFEY MOVED APPROVAL OF THE ITEM.

Mr. Coffey stated that this sends a message to Norwalk regarding aggressive panhandling it will ensure that all citizens are free from fear of aggressive panhandlers. It shows that Norwalk continues to combat crimes and to make it a safer place.

Mr. McQuaid commended the law department for their fine job. He asked that they follow up on the enforcement of the ordinance.

Mayor Knopp stated that he had received complaints from a number of citizens regarding aggressive panhandling. He said they began research on this and asked Attorney Ciccarello to give some details on how he crafted the ordinance.

Mr. Ciccarello gave details of his experience regarding an aggressive panhandler in Norwalk. He stated that this ordinance is not directed at peaceful panhandlers it is designed to prohibit aggressive panhandlers that intimidate and threaten people. He referred to a newspaper article (New York Times) saying that what they are trying to do is to narrow the focus of the ordinance.

Chief Rilling noted that they have reviewed this ordinance with the law department saying that they think it is a very important addition to report quality of life issues.

Mr. Kimmel asked Chief Rilling about the comments made (in the newspaper) about the \$99 fine and the possibilities for the police to look into the background of the aggressive panhandler.

Chief Rilling stated that when an arrest is made a thorough background check is done on that individual to check for a history of illegal activity. The fine can be imposed but what this ordinance really does is to give them another tool to be able to deal with complaints as an officer observing aggressive panhandling can take action. He added that the widespread publicity shows people what rights they have and that they do have a recourse.

Mr. Wien asked what kind of a backlash they could expect as they clamp down on aggressive panhandlers.

Chief Rilling indicated that they don't expect a backlash as generally, people who are aggressively panhandling are doing so by design.

Mr. Hempstead asked if an individual is a repeat offender could this trigger arrest.

Chief Rilling said if a person is issued a fine and they don't pay they would be taken into custody.

Mayor Knopp said the goal here is avoidance; to send a message that Norwalk won't stand for aggressive, threatening behavior. He said having this in place gives policeman an extra tool.

Chief Rilling commented on aggressive panhandling in many different parts of Norwalk; it happens all over.

Mr. Krummel said he supported the efforts to deal with aggressive panhandling and said it was very important that the ordinance is specific and focused as much as possible. He said that some of the aspects are too broad; he gave an example of loitering and referred to 64-1 suggesting that this has better wording and to modify the ordinance.

Mayor Knopp referred to items (i) and (ii) that gives an explanation of gestures.

Discussion ensued.

Mr. Ciccarello explained the wording in the ordinance. He emphasized the point of police officers addressing situations reasonably.

Chief Rilling stated that an officer won't automatically issue a ticket if a sidewalk is blocked (for example) he will take many reasonable measures first. The refusal to move could trigger the officer to issue a ticket.

Mr. Hilliard noted his concern with regard to limiting an individuals' freedom and he asked who is to say what is aggressive. He said he did not consider this to be necessary.

Chief Rilling said this comes down to individual circumstances; the officers are trained to take into consideration the totality of the circumstances.

Mayor Knopp said if all else fails then they can read the ordinance and that states what is considered aggressive. He read the five points listed in the ordinance noting that they are precise examples and if what occurs doesn't fall into one of the categories it will not be considered aggressive panhandling.

Mr. Hilliard stated that he would not be supporting this, as he did not consider this to be necessary. He mentioned that he had spoken with Teresa Younger and confirmed that the CCLU does not like laws like this as it limits personal freedom. He said he had walked through South Main Street at night (9:30 pm) and although he had been approached he had never felt threatened.

Mr. Hempstead gave an example of his son who had been approached and intimidated by a panhandler saying that he could see the reason to go forward with this ordinance. He also asked if the \$99 fee is set by the state and if on a bi-partisan basis could they raise the threshold, as it is about thirty years old.

Mayor Knopp agreed that this is a good suggestion.

Mr. Krummel agreed with the intention to restrict aggressive panhandling and to improve quality of life but again suggested that there were too many broad areas especially with regard to loitering and obscene gestures and how this could infringe on personal liberties.

**** MR. KRUMMEL MOVED TO AMEND THE ORDINANCE BY REMOVING SECTION FOUR.**

Mr. Coffey stated that he was opposed to the amendment as the Ordinance Committee did have a public hearing. He said the ordinance went through Corporation Counsel and was reviewed by the police department; he added that he had also reviewed it and did not view it as problematic. It will help to make the citizens of Norwalk safer and less fearful.

Mr. Kimmel stated that they should be very careful about what is being discussed (he read the relevant section on loitering) noting that it is clearly specified.

Mr. McQuaid stated that the committee had worked very hard on this and they should not be going over changes at such a late stage. He said they should move forward with this and then take action if need be.

Mr. Bondi agreed that this should be moved along as it is well thought out.

Mr. Poruban stated that he too would be voting against the amendment as he considered it to be an important component of the ordinance.

** MOTION TO DELETE SECTION FOUR OF THE ORDINANCE FAILED, TWO VOTES IN FAVOR (MR. KRUMMEL, MR. HILLIARD) ELEVEN VOTES OPPOSED BY VOICE VOTE.

** MAIN MOTION AS PRESENTED PASSED ELEVEN VOTES IN FAVOR, TWO VOTES OPPOSED (MR. KRUMMEL, MR. HILLIARD) BY VOICE VOTE.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

X. SUSPENSION OF THE RULES

There were none this evening.

XI. ADJOURNMENT

** MR. COFFEY MOVED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting was adjourned at 10:00 pm.

ATTEST: _____
Pam Stark, City Clerk