

**CITY OF NORWALK
PUBLIC WORKS COMMITTEE
REGULAR MEETING
DECEMBER 2, 2008**

ATTENDANCE: William Krummel, Chair; Fred Bondi; Douglas Hempstead;
Laurel Lindstrom; Kelly Straniti;
Andrew Conroy and Carvin Hilliard (7:40 p.m.)

STAFF: Hal Alvord, Director; Dick Linnartz, DPW

OTHERS: Robert Maslan, City Attorney; Larry Ruttenger; David Park;
Deborah Russo and Bill Moore, Royal Environmental Services

PUBLIC HEARING

Mr. Krummel opened the public hearing at 7:32 p.m., stating that it was suitably noted in the newspaper.

**PUBLIC HEARING ON PROPOSED REVISIONS TO DEPARTMENT OF
PUBLIC WORKS RATES AND FEES. TO BE CONDUCTED AT 7:30 P.M.**

Mr. Krummel asked three times if anyone wished to comment. Hearing none, he closed the public hearing.

** MR. BONDI MOVED TO CLOSE THE PUBLIC HEARING AT 7:33 P.M.
** MOTION PASSED UNANIMOUSLY

PUBLIC PARTICIPATION PORTION

PUBLIC INPUT

Mr. David Park, East Norwalk Improvement Association, asked for an update on the Safe Routes to School initiative. Mr. Krummel told him that the Committee does not initiate discussions during public input, but this matter will be brought up during the next project update.

Ms. Deborah Russo, Royal Environmental Services said that they were the low bidder. When they were asked to re-submit, they did. They did not have the time to submit a certified audit and the cost was \$10,000.

Mr. Conroy and Mr. Hilliard joined the meeting at 7:40 p.m.

Mr. Russo asked if they could negotiate with corporation counsel and the Public Works department.

Mr. Larry Ruttenberg said that he was here for his monthly update regarding the drainage situation. He asked Mr. Hempstead if he could fill him in on Stew's addition and what that might do to drainage.

Mr. Krummel acknowledged and distributed copies of a letter submitted by Ms. Lauricella opposing the price increases.

TRAFFIC CALMING

Ms. Lindstrom said that there was nothing new to report.

PROJECT UPDATES

Bridges

The Committee discussed the bridge projects. James Street, Perry Avenue, Westmere Bridges are in DOT review. The east side of the Reed Street extension bridge is complete.

Mr. Linnartz distributed a hand-out that the DOT provided at their November 24, 2008 Public Informational Meeting – Project Nos. 102-278 & 102-306 – I-95 Operational Lanes, Interchanges 14 to 15 Route US 1. He described the scope of the project and said that this is an \$82 million project.

Mr. Hempstead asked if the DOT reaches out to the neighborhoods or abutting owners. Mr. Alvord said that they do public informational meeting and rely on the towns to spread the word.

Mr. Linnartz said that there was unanimous support for the project.

Building Management

There was no discussion

Drainage & Sewers

The Buckingham/Lockwood, Olmstead, Noah's Lane, Meadowbrook projects have been submitted to the DEP and Mr. Alvord said that he feels they can come to an agreement on the water quality issues. There will be now change in the flow from Stew's renovations. They are taking parking area and turning it into part of the building.

Mr. Alvord said that the DEP expanded their permit review process.

Mr. Alvord said that there are two culverts on Martin Luther King Drive; there was more sediment in there than expected. He said that the practical solution to Bouton Street is not yet obvious. There is still a lot of evaluation that needs to be accomplished. Mr. Linnartz added that since the culverts have been cleaned, it may not be necessary to do anything more. At this point the cleaning has had a positive impact on the drainage in the area.

Traffic

Strawberry Hill traffic calming and Safe Routes to School are under negotiations with the DOT as to the scope. Ms. Straniti asked what the DOT has proposed. Mr. Linnartz said that they objected to a bike lane that allows parking on a roadway. Strawberry Hill has street parking. In addition they have concerns about the type of sidewalks. Mr. Linnartz said that Strawberry Hill Avenue should be re-paved which will cost \$800,000. He said that they are exploring alternatives.

Ms. Lindstrom asked what has been agreed upon. Mr. Linnartz said that the positive is the concept that they can have shared roadways. The majority of the issues have been resolved. He noted that a typical review time for the DOT is one year. Mr. Alvord said that the DOT is under a hiring freeze and they do not have the people to do everything they are being told to do. Ms. Lindstrom said that she appreciated that the Committee discusses this quite frequently.

Mr. Krummel asked if they would consider treating a crosswalk to achieve traffic calming. Mr. Linnartz said that there are going to be four traffic signals that will be interconnected to calm the traffic. Mr. Alvord added that synchronized signals are effective for traffic calming.

Ms. Lindstrom said that it would be a great opportunity to put a round about on County Street/Strawberry Hill Avenue. Mr. Alvord said that because there is not enough space, they would have to take property. He said that he would look at it, but it is very difficult to do correctly and they would have to exercise Eminent Domain.

Ms. Straniti asked if there are studies that show they work. She said that her personal experience is that they are awful. Mr. Alvord said that Greenwich did one last year and is in the process of removing it.

Roads

Mr. Krummel said that he heard good things about the Nursery Street paving project. Mr. Alvord said that this year's paving program is complete. He said that the price of asphalt just went up 36%.

Mr. Alvord said that they are looking at doing crack sealing in house. The equipment is not that expensive and they have the staff to do the work. Mr. Hempstead asked Mr. Alvord if there is a methodology on where they patch streets. Mr. Alvord said that they

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cannot put asphalt in a delamination which is where they have multiple layers of asphalt. He said that there are three supervisors for the City. The drivers are instructed to report any issues. He added that they rely on complaints from the residents.

Mr. Conroy asked when the public information meeting was scheduled for the Rowayton Avenue widening project. Mr. Linnartz said that the project is two years behind schedule. They updated the design and plan to bring that information to a meeting in the spring. He reiterated that the project is two years behind.

Sidewalks and Curbs

There was no discussion.

Water Pollution Authority

Mr. Hempstead said that he and Mr. Hilliard are waiting for the draft.

Parking Authority

Mr. Alvord reported that the Haviland Deck project will be completed on December 15th, with a ribbon cutting ceremony on December 18th.

Mr. Krummel asked about the state of repairs to the Stroffolino Bridge. Mr. Alvord said that they have one more mechanical piece that has to be replaced. They asked for a final closure in late December, but he refused that request, because he will not disrupt the Sono retail season. He suggested that they do it in early spring.

Other

Mr. Hilliard asked when the City was getting another contractor for the South Norwalk lighting project. Mr. Alvord said that they got three bids, but the Redevelopment Agency does not have enough funding to finish the project.

Mr. Alvord said that 15 trees were removed from Calf Pasture Beach Parkway and 26 trees planted. This completes phase one of the tree restoration project. In addition, nine additional trees were planted in East Norwalk.

BUSINESS PORTION

**** MR. ALVORD MOVED TO TAKE THE AGENDA OUT OF ORDER
** MOTION PASSED UNANIMOUSLY**

**** MR. BONDI MOVED THE FOLLOWING ITEM:**

AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH DW TRANSPORT AND LEASING, INC., FOR PROJECT NO., 2709, TO PROVIDE TRANSPORT AND DISPOSAL OF YARD WASTE MATERIALS FOR A 2008-2009 SUM NOT TO EXCEED \$25.50/TON FOR YARD WASTE, \$22.00/TON FOR LOGS AND STUMPS AND \$20.00/TON FOR LEAVES; PRICES TO ESCALATE BY THREE PERCENT (3%) FOR EACH OF FY2009-10 AND FY 2010-11

ACCOUNT # 014042 5299

Mr. Alvord explained that the yard debris site is on South Smith Street and the only way to dispose of the items is to haul them away. This is an authorization for the disposal of yard waste. An RFP was issued and there are a number of procurement tools that can be used; the two most common are an invitation to bid and a request for proposal. Mr. Alvord described each of these tools. He said that in this instance, the RFP process was used. He described the procedure and said that it follows the procurement procedure that was approved by the Common Council.

Mr. Alvord said that of the four proposals received, only one was responsive to the RFP. He said that he met with the attorneys from Attorney Maslan's office to be sure that nothing was overlooked. They made a decision to allow the three proposers to re-submit. Mr. Hempstead said that he is suspicious when he sees the best prices match the lowest price, post submission of fees; this raises a yellow flag. Attorney Maslan said that the purpose of the RFP is to help the City to determine if a number of criteria are met. In this case, under the procurement guidelines, not all of the proposers were responsive and the City could reject those out of hand. He said that they typically tell the DPW to ask them to re-submit, which was done here.

Attorney Maslan explained that if they reach a stonewall with the preferred proposer, they can terminate the negotiations and go to the next proposer.

Ms. Russo said that they needed a certified copy of their audit, but did not have significant time to do one and the cost would be \$10,000. She said that when the second clarification letter came out, they went to their CPA who created a compilation. Mr. Hempstead asked her why they submitted a bid if they could not meet the criteria. Mr. Russo said that in 20 years they have always been given an opportunity to negotiate. He said that they have fulfilled every contract with other towns and came in \$97,000 less than DW. He said that in a public meeting six years ago, DW was allowed to reduce their rates. He said that he understands the bidding process, but can't win a bid in Norwalk.

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Mr. Bondi said that he felt they should be considered because they are the lowest price. It is in the best interest of the City to take the lowest price, if they meet all of the criteria. Mr. Hilliard said that he agreed with Mr. Bondi; 2009 is projected to be hard times.

Ms. Lindstrom asked why the financials were requested. Mr. Alvord said that he wanted a level of comfort that the companies were financially stable.

Mr. Bondi asked if they did a satisfactory job in the other towns. Mr. Alvord said that he did not know. The Purchasing Department called the other towns, but they have not gotten a call back. Ms. Straniti asked if it was standard practice for towns not to return calls if they had no problems. Mr. Alvord said that he did not draw any conclusions from that.

Mr. Bondi said that he has letters from Darien, Greenwich, Westport and Trumbull stating that their work has been satisfactory. The letters were passed to the Committee members.

Mr. Alvord explained that he used a matrix to evaluate the responders and in the process could have invited people in for interviews. Ms. Lindstrom said that the information they received now, may have been preferable for clarification. Mr. Alvord said that he had not seen those letters.

Mr. Alvord said that the RFP was very specific, so there was no need to ask questions. He suggested that the Committee members look at all of the information provided and determine who the best proposer was.

Mr. Conroy asked when all of the information was due initially. Mr. Alvord said that everything was due by September 22nd; the request for clarification letter was sent on October 17th with a due date of October 28th.

Mr. Conroy asked about the deficiencies. Mr. Alvord said that he was concerned about the number of available vehicles and the number of staff. He said that they did not fit his sense of what is needed. He was concerned that they would not be able to handle the volume. He added that DW transport listed about 20 vehicles; Royal had four.

Attorney Maslan said there is a piece of the process that provides for clarification before picking a preferred proposer. He said that they can not negotiate with proposers during the process. Once a preferred proposer is chosen, they can begin the negotiations.

Ms. Lindstrom asked if they could have interviewed all of the proposers earlier in the process and asked similar questions. Mr. Alvord said that they could have interviewed all four and then short listed a lower number, but they did not see doing that in this process. Ms. Lindstrom asked if it was too late to conduct interviews. Mr. Alvord asked her what her objective would be. Ms. Lindstrom said that she hears a lower bid and has information they did not have before.

Mr. Alvord told Ms. Lindstrom that he along with the Law Department and Purchasing Department are paid to accomplish this and follow the procurement guidelines for the City. He said that all three departments unanimously agreed on the proposed proposer. He said that everyone had the opportunity to submit any information they wanted. He said that if pricing is the only issue, they can go back to all four firms and ask for their best bid, but he would not recommend doing that.

Ms. Lindstrom asked if DW has worked in other towns. Mr. Alvord said that they have worked in Norwalk for the past three years.

Mr. Hilliard asked how often the lowest bidder has not been used. Mr. Alvord said that the lowest bidder was disqualified for the Reed Street railroad underpass and twice last spring they did not use the lowest bidder.

Attorney Maslan said that they have not discussed what would happen if the recommendation of the DPW was not approved. He said that it would not automatically mean that Royal would get the contract. They may have to start the process from the beginning. Mr. Conroy said that he did not hear anyone propose that Royal be awarded the contract; they asked if they could be included in the interview process. Attorney Maslan said that they need to be careful, because they have proposers who submitted responsive proposals. Mr. Hilliard asked if he was certain they would have to start the process over. Attorney Maslan said that it would not be fair to the other two who read the guidelines. He said that if they give one of the unsuccessful proposers an opportunity to re-visit their pricing or anything else to be reconsidered, then everyone has to be given the same opportunity.

Mr. Hempstead requested a table with all of the information. He said that he would like to table this until they have all of the information before them. Ms. Lindstrom said that that information would be beneficial as to how they arrived at the decision. Mr. Alvord said that the contract with DW expires at the end of the month. Mr. Hempstead suggested adding the information to their Council packets. Mr. Alvord agreed to create a chart of criteria and Attorney Maslan will provide bid criteria.

**** MR. BONDI MOVED TO TABLE THE ITEM
** MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS**

**** MR. BONDI MOVED THE FOLLOWING ITEM**

**APPROVE THE MINUTES OF THE PUBLIC WORKS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 5, 2008**

**** MOTION PASSED WITH THREE (3) ABSTENTIONS (MS. STRANITI,
MR. BONDI AND MR. HILLIARD)**

**** MR. HEMPSTEAD MOVED THE FOLLOWING ITEM:**

APPROVE PROPOSED REVISIONS TO DEPARTMENT OF PUBLIC WORKS RATES AND FEES

Mr. Hempstead noted that Stew's holds a waste hauling permit and only hauls their own waste.

Mr. Hilliard said that they need to take the current economic situation into consideration. He said that he feels they should put this on hold because he can not see increasing the fees. Mr. Krummel pointed out that there are two decreases proposed. Mr. Hilliard said that he was against raising fees.

Ms. Straniti said that she agreed with Mr. Hilliard. She said that she has an issue with doubling the fee for the recycling bin. Mr. Alvord said that the current rate does not cover the cost of the bin. Ms. Lindstrom said that she would be comfortable with raising the price to \$7.00 instead of the proposed \$10.00. Ms. Straniti asked if there were restrictions about the type of bin that can be used for recycling. Mr. Alvord said that there were.

Ms. Straniti asked if they could vote item by item. Attorney Maslan said that they could.

**** MR. HEMPSTEAD WITHDREW HIS MOTION TO APPROVE THE ENTIRE FEE SCHEDULE**

**** MR. HEMPSTEAD MOVED TO APPROVE ITEM 94-3.4 BLUE BIN FEE AS PROPOSED**

**** MOTION PASSED BY A SHOW OF HANDS WITH FOUR (4) IN FAVOR (MR. BONDI, MR. HEMPSTEAD, MR. CONROY AND MR. KRUMMEL) AND THREE (3) OPPOSED (MS. STRANITI, MR. HILLIARD AND MS. LINDSTROM)**

**** MR. HEMPSTEAD MOVED TO APPROVE ITEM 94.10 SOLID WASTE DISPOSAL FEE AS PROPOSED**

**** MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS**

**** MR. HEMPSTEAD MOVED TO APPROVE ITEM 95.12 DRIVEWAY PERMIT AND INSPECTION FEE AS PROPOSED**

**** MOTION PASSED BY A SHOW OF HANDS WITH FIVE (5) IN FAVOR (MR. BONDI, MR. CONROY, MR. HEMPSTEAD, MR. KRUMMEL AND MS. LINDSTROM) AND TWO (2) OPPOSED (MR. HILLIARD AND MS. STRANITI)**

- ** MR. HEMPSTEAD MOVED TO APPROVE ITEM 96-.3
ENCROACHMENT PERMIT FEE AS PROPOSED**
- ** MOTION PASSED BY A SHOW OF HANDS WITH FIVE (5) IN FAVOR
(MR. BONDI, MR. CONROY, MR. HEMPSTEAD, MR. KRUMMEL AND
MS. LINDSTROM) AND TWO (2) OPPOSED (MR. HILLIARD AND MS.
STRANITI)**
- ** MR. HEMPSTEAD MOVED TO APPROVE ITEM 112-4 TREE
REMOVAL PERMIT AND POSTING FEE AS PROPOSED**
- ** MOTION PASSED BY A SHOW OF HANDS WITH FOUR (4) IN FAVOR
(MR. BONDI, MR. HEMPSTEAD, MR. KRUMMEL AND MS.
LINDSTROM) AND THREE (3) OPPOSED (MR. CONROY, MR.
HILLIARD AND MS. STRANITI)**
- ** MR. HEMPSTEAD MOVED TO REMOVE ENGINEERING DATA
PRICING**
- ** MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS**
- ** MR. HEMPSTEAD MOVED TO APPROVE THE RETURNED CHECK
FEE AS PROPOSED**
- ** MOTION PASSED WITH FOUR (4) IN FAVOR (MR. BONDI, MR.
HEMPSTEAD, MR. KRUMMEL AND MS. LINDSTROM) AND THREE
(3) OPPOSED (MR. CONROY, MR. HILLIARD AND MS. STRANITI)**
- ** MR. BONDI MOVED TO APPROVE THE FOLLOWING ITEM:**
- AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN
AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF
NORWALK AND VANASSE HANGEN BRUSTLIN (VHB) FOR THE
EAST AVENUE CORRIDOR SIGNALIZATION IMPROVEMENT
PROJECT AND PROVIDE ENGINEERING SERVICES DURING
CONSTRUCTION AND AS BUILT DRAWINGS OF THE COMPLETED
TRAFFIC SIGNAL CONTROL FOR AN AMOUNT NOT TO EXCEED
\$4,000.00
ACCOUNT # 09074120 5777 C0397**

Mr. Linnartz explained that this is a design to evaluate the traffic signals.

- ** MOTION PASSED UNANIMOUSLY**

RETURNED TO COMMITTEE FROM COMMON COUNCIL:

**** MR. BONDI MOVED TO APPROVE THE FOLLOWING ITEM:**

AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AGREEMENT WITH CRW SYSTEMS, INC. TO PROVIDE PERMIT AND PROJECT ADMINISTRATION SOFTWARE, DATA CONVERSION, TRAINING, TECHNICAL SUPPORT AND IMPLEMENTATION FOR A SUM NOT TO EXCEED \$150,000.00

ACCOUNT # 03 0000 2602

Mr. Krummel said that this item was returned from the Common Council. The IT form is in the back up material.

Mr. Bondi asked Attorney Maslan if it was legal to take the money out of the account. Attorney Maslan said that he looked at it and it is ok.

**** MOTION PASSED UNANIMOUSLY**

GENERAL INFORMATION PORTION

NORWALK TRANSFER STATION

Mr. Alvord said that this was moving along nicely. A final walk through with CRRA has been scheduled. Mr. Alvord described the plans for battery and oil disposal.

LETTER TO ORDINANCE COMMITTEE CHAIR REGARDING PROPOSED CHANGES TO CHAPTER 94

Mr. Alvord explained that he sent a letter to Ms. Brown, Chair of the Ordinance Committee two days after the last Public Works committee meeting. He has not received a response to date and therefore does not know the status.

DPW FY 2008-2009 EXPENDITURE REDUCTION PLAN

Mr. Alvord said that he provided a list in the backup. Mr. Krummel said that this is only the beginning of the economic cycle; he said that he expects things to get worse. Mr. Krummel asked Mr. Alvord if he had any ideas if further cuts are required. Mr. Alvord said that he did. He added that there is some concern, and does not believe the entire \$2 million goal was met. He said that the projection is for a \$2 million shortfall, but would not be surprised if they are asked to make further reductions early next calendar year. He said that he has not heard anything yet.

PUBLIC WORKS COMMITTEE ASSIGNED MEETING ROOM FOR CY 2009 –
ROOM 101

The next meeting will take place in room 101.

- ** **MR. BONDI MOVED TO ADJOURN AT 10:26 P.M.**
- ** **MOTION PASSED UNANIMOUSLY**

An unidentified resident began talking about recycling.

- ** **MR. HEMPSTEAD MOVED TO RECONVENE THE MEETING AT 10:27 P.M.**
- ** **MOTION PASSED UNANIMOUSLY**
- ** **MR. HEMPSTEAD MOVED TO GO INTO EXECUTIVE SESSION AT 10:28 P.M. FOR THE PURPOSE OF ADDRESSING CONTRACT NEGOTIATING ISSUES**
- ** **MOTION PASSED UNANIMOUSLY**

The Committee went into Executive Session with Mr. Alvord and Attorney Maslan present. The public was excused and left the room.

- ** **MR. HEMPSTEAD MOVED TO COME OUT OF EXECUTIVE SESSION AT 10:50 P.M.**
- ** **MOTION PASSED UNANIMOUSLY**

There were no votes or action taken during Executive Session

- ** **MR. BONDI MOVED TO ADJOURN**
- ** **MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services