

**COMMON COUNCIL  
NORWALK, CONNECTICUT**

**MARCH 10, 2009  
8:00 P.M. DST COUNCIL CHAMBERS**

**ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS.**

Mayor Moccia called the meeting to order at 8:45 p.m. and Girl Scouts, Brownies and Cub Scouts with their Leader Ms. Austin led the Assembly in reciting the Pledge of Allegiance and singing the *Star Spangled Banner*.

Mayor Moccia thanked everyone and apologized to the parents for keeping the children up too late. Mr. McQuaid noted that there were a lot of students from Naramake Elementary School and said that he was very proud to be amongst them. He said that he was very proud of them.

**I. ROLL CALL**

Ms. Roman called the Roll:

Amanda Brown	Carvin Hilliard
Fred Bondi	Nicholas Kydes
Michael Geake	Laurel Lindstrom
Richard McQuaid	Douglas Hempstead
Anna Duleep	Kelly Straniti
Richard Bonenfant	Andrew Conroy
Steven Serasis	William Krummel
Rev. Phyllis Bolden	

At Roll Call there were fifteen (15) Councilmembers present.

A recess was called at 8:53 p.m.  
The meeting reconvened at 9:05 p.m.

**II. ACCEPTANCE OF MINUTES**

**Regular meeting** – February 24, 2009

**\*\* MR. KYDES MOVED TO ACCEPT THE MINUTES OF FEBRUARY 24, 2009**

Ms. Brown said that under the correction of the minutes there should be a correction to the amount noted on page 18 second paragraph, of the February 10, 2009 minutes. The tape will be reviewed.

**\*\* MOTION TO ACCEPT THE MINUTES SUBJECT TO REVIEW OF THE TAPE PASSED UNANIMOUSLY**

### **III. PUBLIC PARTICIPATION**

Ms. Diane Lauricella, League of Women Voters spoke about item 5A1 the appointment of members to the Board of Ethics. She said that the League has a national and state position on the implementation of a Board of Ethics. She suggested that the Committee have open, public training sessions. She said that the League would be happy to run such a forum. Ms. Lauricella encouraged using an open public training process to understand the laws involved.

There were no other members of the public who wished to speak.

### **IV. MAYOR**

#### **A. RESIGNATIONS AND APPOINTMENTS**

**Resignations:**

**Appointments:** Eileen Brown – *Parking Authority*

**\*\* MR. BONDI MOVED TO APPROVE THE APPOINTMENT OF EILEEN BROWN TO THE PARKING AUTHORITY**

Mayor Moccia said that he resume speaks for itself. He said that he believed she was the first woman appointed to the Parking Authority.

**\*\* MOTION PASSED UNANIMOUSLY**

**Reappointments:** Nancy Burke – *Fair Housing Advisory Commission*

**\*\* MR. KRUMMEL MOVED TO APPROVE THE REAPPOINTMENT OF NANCY BURKE TO THE FAIR HOUSING ADVISORY COMMISSION**

**\*\* MOTION PASSED UNANIMOUSLY**

## **B. REMARKS**

Mayor Moccia said that all of the packages have been sent to the Governor. People have been asking him to add items. He said that working with Department Heads, he tried to pick the best projects. Mayor Moccia said that he is telling non-profits that the City will provide them with information, but they have to do their own application.

## **V. COUNCIL PRESIDENT**

Rev. Bolden welcomed the public to the meeting. She announced that they would be appointing individuals to serve on the Ethics Committee. She said that in April they will attempt to have an open government meeting.

Mr. Maslan said that they were about to appoint an Ethics Board pursuant to a new Ordinance with a restructured set of requirements. He described those requirements.

Rev. Bolden thanked Mr. Krummel and Ms. Straniti and the entire Common Council for their consent of the appointment. She said that she was proud of their efforts.

## **A. GENERAL COUNCIL BUSINESS**

1. Appointment of members to the Board of Ethics:

**Alice Allen**

**\*\* REV. BOLDEN MOVED TO APPROVE THE APPOINTMENT OF ALICE ALLEN TO THE BOARD OF ETHICS**

Mr. Hempstead said that he knew her for a variety of reasons. Her husband was a Police Officer. She is a prominent person to call in her neighborhood and she does not take sides; she cuts to the chase.

Ms. Straniti said that she has known Ms. Allen for years and that she was instrumental in getting the Broad River Neighborhood Association off the ground. She is a wonderful person to go to and is very dedicated. Ms. Straniti said that she was very happy to see her accept this responsibility.

Rev. Bolden said that Ms. Allen will serve a one year, regular term.

**\*\* MOTION PASSED UNANIMOUSLY**

**Rev. Marcellus Norris**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF REV. MARCELLUS NORRIS TO THE ETHICS COMMITTEE**

Rev. Bolden said that he is a friend and colleague in the Ministry. He is a man of integrity and he changes people's lives through the work of God.

Mr. Hilliard said that he knows about Rev. Norris and said that he is his own man and a good Preacher.

Ms. Brown said that she has found Rev. Norris to be an upstanding man of integrity and that kind of leadership is important.

Mr. McQuaid said that he did not know Rev. Norris personally, but attended his Church. He said that he was unbelievably energetic and the parents and children of Naramake School regard him highly.

Mr. Serasis said that after meeting Rev. Norris and attending his Services, he is truly a class act. He will do the right thing for Norwalk and is perfect for this position.

Rev. Norris thanked the Council for the opportunity to serve and help. He said that he felt very privileged to be allowed to do this and will continue to pray for everyone and the City of Norwalk.

Rev. Bolden announced that Rev. Norris would serve a three year, regular term.

**\*\* MOTION PASSED UNANIMOUSLY**

Mr. Maslan said that he intends to set up an organizational meeting.

**Elizabeth Broncati**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF ELIZABETH BRONCATI TO THE ETHICS COMMITTEE**

Ms. Straniti said that she has known Ms. Broncati for over 20 years; she was her son's Religion teacher and their sons go to school together. She said that she was happy that Ms. Broncati accepted the challenge. She said that she is active in St. Phillip's Church and is sure she is going to be a great member of the Board.

Ms. Broncati said that she was honored to be a participant and prays that they will not have to take action. She thanked the Common Council for their vote of confidence.

Rev. Bolden announced that Ms. Broncati would serve a three year regular term.

**\*\* MOTION PASSED UNANIMOUSLY**

**James Del Greco**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF JAMES DEL GRECO TO THE ETHICS COMMITTEE**

Rev. Bolden announced that Mr. DelGreco would serve a two year regular term.

Mr. Geake said that Mr. DelGreco is his neighbor and an excellent choice for the Committee. He works in the financial industry and is a very good choice.

Mr. Conroy voiced his support for Mr. DelGreco. He said that he has known him and his wife for years. He is voice of consciousness and the high standards to be upheld.

Mr. Hilliard said that he knows Mr. DelGreco from South Norwalk and is a gentleman. He will hold everybody accountable. Mr. Hilliard said that he is honest and that he is happy that he has found the time to serve.

Ms. Lindstrom said that Mr. DelGreco has the ability to look at both sides and come up with a sound decision.

**\*\* MOTION PASSED UNANIMOUSLY**

**Jack English**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF JACK ENGLISH TO THE ETHICS COMMITTEE**

Rev. Bolden said that Mr. English's term would be three year, alternate.

Mr. Bondi said that Mr. English was a very good candidate and that he will do a great job.

**\*\* MOTION PASSED UNANIMOUSLY**

**William Fitzgerald**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF WILLIAM FITZGERALD TO THE ETHICS COMMITTEE**

Rev. Bolden announced that Mr. Fitzgerald was appointed to a two year, regular term.

Mr. Bondi said that Mr. Fitzgerald is an attorney in Darien and very competent. He served on and chaired the Charter Review Committee.

Ms. Lindstrom said that Mr. Fitzgerald contacted her and asked how to submit his resume because he was interested in serving. She said that she knew he was a lawyer and thought that he would be a plus. Ms. Lindstrom said that she would support this appointment.

Mr. Conroy said that Mr. Fitzgerald was a member of his community and he contacted him. Mr. Conroy said that Mr. Fitzgerald did a fine job on the Charter Review Committee. He said that he found him to be balanced in his views and will support this appointment.

Mr. Bonenfant said that Mr. Fitzgerald went to the same high school he did. He said that he knows his work and he did a good job on the Charter Review Committee.

**\*\* MOTION PASSED UNANIMOUSLY**

**Charles Stabinsky**

**\*\* REV. BOLDEN MOVE TO APPROVE THE APPOINTMENT OF CHARLES STABINSKY TO THE ETHICS COMMITTEE**

Mr. Hempstead said that for full disclosure, Dr. Stabinsky was his wife's Ob/Gyn 25 years ago. Mr. Hempstead said that Dr. Stabinsky contacted him and Ms. Straniti to express his interest in serving on this Committee. Mr. Hempstead said that he only met Dr. Stabinsky three times.

Mr. Hempstead said that Dr. Stabinsky was born in Norwalk and stayed on in the community. He has served on different boards and that speaks well for him.

Mr. Hempstead said that he has confidence in all of the names picked tonight; hats off to all of them and the process.

Mayor Moccia announced that Dr. Stabinsky's brother Ray passed away two weeks ago. Rev. Bolden asked for a moment of silence in memory of Mr. Ray Stabinsky.

**\*\* MOTION PASSED UNANIMOUSLY**

**B. CONSENT CALENDAR**

**\*\* REV. BOLDEN MOVED THE FOLLOWING CONSENT CALENDAR:**

**VI. AGENCIES, BOARDS & COMMISSIONS**

**A. CORPORATION COUNSEL**

1. Authorization to settle claim: **Stephen Gall v. City of Norwalk**

*EXECUTIVE SESSION*

**VII. COMMON COUNCIL COMMITTEES**

**A. PUBLIC WORKS COMMITTEE**

1a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with FGB Construction for Project No. PM 2009-1, Proposed Pavement Management Program, for a sum not to exceed \$1,697,780.50.

1b. Authorize the Director of Public Works, to issue orders on Contract to FGB Construction for Project No. PM 2009-1, Proposed Pavement Management Program, for a sum not to exceed \$169,778.00.

Account No. 0909 4021 5777 C0021 030000 2602 (\$96,497.32)

3a. Authorize the Mayor, Richard A. Moccia, to exceed an Agreement with Asphalt Paving Systems for Project No. PM 2009-3, Proposed Crack Sealing and Micro-Surfacing, for a sum not to exceed \$211,480.00.

3b. Authorize the Director of Public works to issue Orders on Contract to Asphalt Paving Systems for Project No. PM 2009-3, Proposed Crack Sealing and Micro-Surfacing, for a sum not to exceed \$21,148.00.

Account No. 0909 4021 5777 C0021

4a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Earthmovers, Inc. for Project No. DRG 2008-2, Proposed Drainage Improvements at Mary Austin Place and Silvermine Avenue, for a sum not to exceed \$314,886.00.

4b. Authorize the director of Public Works to issue Orders on contract to Earthmovers, Inc. for Project No. DRG 2008-2, Proposed Drainage Improvements at Mary Austin Place and Silvermine Avenue, for a sum not to exceed \$31,487.00.

Account No. 0908 0404 0270 0 5777 C0424 (\$50,000.00)

0909 0404 0270 0 5777 C0424 (\$248,496.00)

0903 0404 0270 0 5777 C0138 (\$47,877.00)

5a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Nagy Bros. Construction for Project No. DRG 2009-1, Calf Pasture Beach Road Culvert Replacement and Roadway Improvements, for a sum not to exceed \$244,988.50.

5b. Authorize the Director of Public Works to issue Orders on Contract to Nagy Bros. Construction for Project No. DRG 2009-1, Calf Pasture Beach Road Culvert Replacement and Roadway Improvements, for a sum not to exceed \$24,500.00.

Account No. 0906 0404 0210 0 5777 C0352 (\$147,000.00)

0904 0404 0210 0 5777 C0285 (\$24,922.00)

0909 0404 0210 0 5777 C0021 (\$97,566.50)

6. Technical correction: To the February 10, 2009 Action, itemVII.A3 to reflect correct name of company.

**Original item:**

3. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Westport Electric Co., Inc. for the installation of new wire and miscellaneous components associated with the Washington Street Historic Street Lighting for a sum not to exceed \$45,150.

Account Nos: 09-07-040-40210-0-5777-C0380 \$28,650

09-00-091-05701-C0009 \$16,500

**Correct item:**

3. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with *Wanat's Westport Electric Company, Inc.* for the installation of new wire and miscellaneous components associated with the Washington Street Historic Street Lighting for a sum not to exceed \$45,150.

Account Nos: 09-07-040-40210-0-5777-C0380 \$28,650

09-00-091-05701-C0009 \$16,500

**B. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE**

1. Authorize the Mayor, Richard A. Moccia, to execute a First Amendment to the Frequency Reconfiguration Agreement between the City and Nextel Communications Mid-Atlantic Inc. in order to increase the authorized budget for legal fees to compensate special counsel for services in connection with the negotiations with Sprint/ Nextel. The costs of legal fees will be reimbursed by the Sprint Nextel Corporation.



2. Authorize the Mayor, Richard A. Moccia, to execute a Second Amendment to the Frequency Reconfiguration Agreement. This Amendment shall amend and revise that certain Frequency Reconfiguration Agreement (the "Agreement") executed on May 22, 2008 and amended on \_\_\_\_\_ by and between City of Norwalk, a political subdivision of the State of Connecticut ("Incumbent") and Nextel Communications of the Mid-Atlantic, Inc. ("Nextel"), a wholly owned indirect subsidiary of Sprint Nextel Corporation, a Kansas corporation (each is referred to in this Agreement as a "Party" and collectively as the "Parties").

3a. Authorize the Mayor, Richard A Moccia, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut for the Immunization Action Plan Program for the period January 1, 2009 to December 31, 2011.

3b. Authorize the Mayor, Richard A Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Immunization Action Plan Program for the period January 1, 2009, to December 31, 2011.

4. Authorize the Mayor, Richard A. Moccia, to execute an amendment to Salamone and Associates, P.C. contract for engineering services for the health department building to prepare a construction document package and bidding and construction administration for a total not to exceed \$7,500.00 acct. # 0909 2012 5777 project # C-0453.

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* MR. KRUMMEL MOVED THE FOLLOWING ITEMS:**

2a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Fred N. Durante for Project No. PM 2009-2, Proposed Bituminous Concrete Permanent Pavement Repair, for a sum not to exceed \$276,740.00.

2b. Authorize the director of Public Works to issue Orders on Contract to Fred N. Durante for Project No. PM 2009-2, Proposed Bituminous Concrete Permanent Repair, for a sum not to exceed \$27,674.00.

Account No. 030000 2602

Mr. Krummel said that this item has to do with the road patching. He said that Mr. Alvord was here tonight to answer any questions. Mr. Serasis said that Mr. Alvord does a commendable job with what he has. He said that he hoped that in the future they can collect the patch fees to the tune of \$287,000. He added that he hoped in the future they would be able to rectify the problem they had with the inability to collect fees.

Mr. Alvord explained that \$287,000 was what they were able to determine in a two week period; the amount is not restricted to a number of years and could go back 10 years.

**\*\* MOTION PASSED UNANIMOUSLY**

**VIII. RESOLUTIONS FROM COMMON COUNCIL**

There were no resolutions from Common Council members this evening.

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

There were no motions postponed to a specific date this evening.

**X. SUSPENSION OF THE RULES**

There were no suspensions of the rules this evening.

**XI. ADJOURNMENT**

Mr. Hempstead asked that the items submitted tonight be forwarded to the appropriate people and responded to.

**\*\* MR. KYDES MOVED TO ADJOURN  
\*\* MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 9:45 p.m.

**ATTEST:** \_\_\_\_\_  
Mary Roman, City Clerk