

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.

CALL TO ORDER

Mayor Moccia called the meeting to order at 8:00 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

City Clerk Halsey called the roll. The following Council Members were present:

Council at Large: Ms. Anna Duleep Mr. Douglas Hempstead Mr. Fred Bondi

 Mr. Warren Peña Ms. Joanne Romano
District A: Mr. Matthew Miklave Mr. David Watts
District B: Mr. Carvin Hilliard Mr. Michael Geake
District C: Mr. Nicholas Kydes Ms. Michelle Maggio
District D: Mr. Bruce Kimmel Mr. Jerry Petrini
District E: Mr. John Igneri Mr. David McCarthy

Mayor Richard A. Moccia; Attorney Robert Maslan, Corporation Counsel;
Ms. Erin Halsey, City Clerk
Fifteen members were present.

II. ACCEPTANCE OF MINUTES

Regular meeting – JUNE 26, 2012

** **MR. BONDI MOVED TO APPROVE THE MINUTES FROM THE JUNE 26, 2012 MEETING AS SUBMITTED.**
** **THE MOTION PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Mayor Moccia stated that there were no names on the sign-up for public comments, asked if there were members of the public in the audience who wished to speak and one member came forward.

Ms. Diane Lauricella, 21 Mountain Ridge Road, stated that she wanted to comment on the reappointments on tonight's agenda and first wanted to thank all of those that sit on the various City Boards and Commissions. She recognizes that the work they do is very

important and acknowledged them for their time and service to the City, and it is greatly appreciated by all. She asked that the Council pull all three reappointments for the Zoning Commission or vote no as she was very disappointed on the lack of appropriate process and the disregard for requests from the public for resumes for qualified members to serve on the Commission. She stated that these positions are very important especially in terms of City planning and development and growth of the infrastructure and the current Commission is not adequately managing this function. She added that to select the same three individuals that have been ineffective in their positions shows a lack of open and transparent practice and a step backwards with attempts to most the City forward. She stated that her business clients skip over Norwalk because the staff is mismanaged and it takes too long to navigate through this dysfunctional system. Ms. Lauricella continued that the Chairman has not evaluated senior staff in years and this is an example of not being held accountable. They should be working closely with the Redevelopment Agency on projects that are progressive such as green zones, and those that are forward thinking with the objective to finding the solutions to fix the stagnant situation and to moving the City forward in a proper direction. She stated that there should be fresh blood, and new members should be sought by doing a search for resumes and putting adequate public notice that these positions are open for appointment and there are qualified individuals who are willing to serve, yet there is no attempt to reach those folks. Ms. Lauricella stated that she is very disappointed that there was no real public solicitation like has been done before for such an important commission that speaks to not only Norwalk citizens and taxpayers, but other people, like developers from out of town, about what Norwalk should look like.

Mayor Moccia stated that the 3-minute time limit had lapsed and he had already extended this, and asked Ms. Lauricella to sum up her comments and bring to closure.

Ms. Lauricella continued that she finds it unacceptable that the staff has been mismanaged and gave examples where the Chairman publicly displayed hostility to a Councilman and member of the public in meetings. She added that voting on these re-appointments is another example of same old, same old...

Mayor Moccia asked if there were any others who wished to comment, and hearing none, stated that the Public Participation portion of the meeting was closed at 8:15 p.m.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: None

APPOINTMENTS: None

REAPPOINTMENTS:

1. Frederic J. Gilden, Comptroller

Mr. Hilliard stated that he was pleased to support Mr. Gilden and that he is professional in every way, a very good dedicated staff person, who always is accommodating and gives good advice, and is always responsive to find an answer. He added that he has worked with him for many years, and he is pleased to support his reappointment as the City Comptroller.

Mr. Hempstead stated that he wanted to echo the comments made by Mr. Hilliard and added that Fred always sits quietly and does not say much, but he is always actively thinking and when asked a question, he has the answer. He added that he has worked with him for many years, he is an asset to the City and he is pleased to support his reappointment as the City Comptroller.

Mr. Kimmel added that he also has worked with Mr. Gilden for many years, and he is impressed with his knowledge and expertise on financial matters; he is always clear, precise, responsive and a great talented resource and asset to the City.

Mr. Kydes stated that as Chairman of the Finance Committee he has observed Fred Gilden for many years and he is a very knowledgeable, capable individual and he is please to support him 110%.

Mayor Moccia stated that he also wanted to echo the comments and added that Fred does a great deal of background work behind the scenes. He was very involved with the bond refinancing that went through at rates of 2.6% which over a period of 25 years will save the City \$1.8 million.

**** MR. HILLIARD MOVED TO REAPPOINT FRED GILDEN AS
COMPTROLLER FOR A TERM TO EXPIRE JULY 1, 2016.
** MOTION PASSED UNANIMOUSLY.**

1. Victor J. Cavallo, Planning Commission

Mr. Kydes stated that as he has worked with Mr. Cavallo for many years and he is a very capable Commissioner who has also served on other committees including Keystone House. He is dedicated and will do a fantastic job in his reappointment.

**** MR. KEYES MOVED TO REAPPOINT VICTOR CAVALLO TO THE
PLANNING COMMISSION FOR A TERM TO EXPIRE JULY 1, 2016.
** MOTION PASSED WITH FOURTEEN VOTES IN FAVOR, NONE
OPPOSED AND ONE ABSTENTION (DULEEP).**

REAPPOINTMENTS – continued

Frances Dimeglio, Planning Commission

Ms. Romano stated that she has known Ms. Dimeglio for a long time and she has done many things for the city in her service over the years including flags at the

cemetery. She added that she is hard working professional with a great deal of energy and she is pleased to support her.

Mr. Kydes stated that he echoed Ms. Romano's comments adding that he worked with her at Norden Systems in the 80's, and she is a very dedicated person who has served the city well.

**** MS. ROMANO MOVED TO REAPPOINT FRANCES DIMEGLIO TO THE
PLANNING COMMISSION FOR A TERM TO EXPIRE JULY 1, 2016.
** MOTION PASSED UNANIMOUSLY.**

Mayor Moccia extended congratulations to Ms. Dimeglio and stated that she is going through a tough time and he sends her best wishes.

4. Joel Zaremby, Planning Commission

Mr. Mccarthy stated that Mr. Zaremby is a very effective and forward-thinking member of the organization and he has the best interests of the City and he is proud to support him.

Ms. Duleep stated that she is very pleased to have had the pleasure of working with Mr. Zaremby and he also is an associate of her mother's and she will vote in support of him.

**** MR. MCCARTHY MOVED TO REAPPOINT JOEL ZAREMBY TO THE
PLANNING COMMISSION FOR A TERM TO EXPIRE JULY 1, 2016.
** MOTION PASSED UNANIMOUSLY.**

5. Michael W. O'Reilly, Zoning Commission (Alternate)

Mr. Bondi stated that as he has worked with Mr. O'Reilly for many years and he is a very capable Commissioner who has also served the City well and has done a great job.

Ms. Duleep stated that they have to look at each of these reappointments separately and take things into consideration such as their tenure of service and record. She added that Mr. O'Reilly has been on this Commission for a long term, and her comments are not personal in nature, but there needs to be changes on the appointments, and she will be voting against this one.

REAPPOINTMENTS – continued

Mr. Igneri stated that he will be voting no, and that it is nothing personal in nature, but he feels that the Zoning Commission needs fresh management and new ideas to

put forth a change in the way things are done.

Mr. McCarthy stated that Mr. O'Reilly has only served since 2010 and has not yet filled a full term. He added that he is faithful in his attendance and has no pre-conceived notions with the manner with which he serves on the Commission, or any inability to understand and address issues.

**** MR. BONDI MOVED TO REAPPOINT MICHAEL O'REILLY AS AN ALTERNATE TO THE ZONING COMMISSION FOR A TERM TO EXPIRE JULY 1, 2015.**

**** Mayor Moccia called for a roll-call vote.**

**** MOTION PASSED WITH NINE VOTES IN FAVOR (HILLIARD, HEMPSTEAD, BONDI, ROMANO, GEAKE, KYDES, MAGGIO, PETRINI, MCCARTHY) SIX VOTES OPPOSED (DULEEP, PENA, MIKLAVE, WATTS, KIMMEL, IGNERI) AND NO ABSTENTIONS.**

5. Joseph Santo, Zoning Commission

Mr. Bondi stated that as he has worked with Mr. Santo for many years and he has also served the City well and has done a great job.

Mr. Peña stated that he will be voting no and that there is nothing personal in the nature of his comments, but the Zoning Commission needs new folks with fresh ideas to take the City in a different direction. He added that the current leadership will not get there and many in the City are not satisfied with what is going on in this Commission.

Mr. McCarthy stated that Mr. Santo has exceptional service and here again has not yet filled a full term as he was appointed in the middle of a previous term. He added that Ms. Romano had very diligently asked for resumes and asked the public but the Council has not seen resumes. He would love to talk about the specifics underlying the need for forward thinking and ideas to move forward. He added that he is faithful in his attendance and has no pre-conceived notions with the manner with which he serves on the Commission.

Ms. Duleep stated that she would hate to see the Council put someone in an important position just because no one else has put their name in. She added that Mr. Santo has poor management of meetings and he has served a long time and there is a time for a change, and hopes there is a better option, as this is an important position as the Commission needs a strong leader.

REAPPOINTMENTS – continued

Mr. Peña stated that he appreciates Mr. McCarthy's comments about seeking out resumes but reaching out to the public is not the same as what happens on the other side of the aisle. He has not seen a proactive public presence and the reality is what

is going on does not facilitate the support of these reappointments. He stated will be voting no, and that it is nothing personal in nature, but the Commission needs fresh management and new ideas to put forth a change in the way things are done.

Mayor Moccia stated that for the record this position is based on NASA contract and the Commission cannot do an evaluation of the Director of Zoning as this supersedes the charter. He added that the Mosque meetings were intense and Mr. Santo handled hundreds of public comments and speakers and all were done in a courteous manner. He added that kind words were received from Pepperidge Farms on the handling of their project and other establishments including restaurants have reported cooperation. Mayor Moccia continued that no one likes to hear no and there have been difficult issues coming to the commission, but he hears that most residents are happy with the actions of the Commission. He questioned the point on who evaluates the evaluator and hears comments that are positive, and he stands by the appointments.

Mr. Kimmel asked if Zoning is not an ordinance position and stated that he was surprised to hear that it comes under NASA.

Mr. Hilliard stated that the appointments have not come under general disapproval as only one or two negative comments are not commonplace. He added that he supports the Mayor's reappointments as there is not a wholesale opposition from the public.

Mr. Bondi disagrees with Mr. Pena's comments and stated that he has suggested many names in the past and they were always put up for consideration with appointments. He added that Mayor Moccia is very fair and he puts up good names with an open mind.

Ms. Duleep stated that she disagrees with Mr. Hilliard and many times she tries to give the benefit of doubt, but if a position opens up that there is someone who is a better fit, we should consider that person and not just put a rubber stamp on the Mayor's reappointments. She added that there is always somebody out there better and we would be remiss not to respectfully disagree.

Ms. Romano stated that she wanted to reiterate what Mr. McCarthy stated about searching out for resumes and input from the public and if there have been names presented from the other side, where are they?

Mayor Moccia stated that he would not engage in questions and answer back and forth comments.

Mr. Hilliard stated that his comments before refer to input from the public and we all have constituents but he is looking for public opinion and recommendations from the audience.

Mr. Peña stated that there have been resumes submitted but we all know that making a plea to the public is not the same as making a plea to the other side of the aisle to vet some names, to make some suggestions.

**** MR. BONDI MOVED TO REAPPOINT JOSEPH SANTO TO THE ZONING COMMISSION FOR A TERM TO EXPIRE JULY 1, 2015.**

** Mayor Moccia called for a roll-call vote.

**** MOTION PASSED WITH NINE VOTES IN FAVOR (HILLIARD, HEMPSTEAD, BONDI, ROMANO, GEAKE, KYDES, MAGGIO, PETRINI, MCCARTHY) SIX VOTES OPPOSED (DULEEP, PENA, MIKLAVE, WATTS, KIMMEL, IGNERI) AND NO ABSTENTIONS.**

7. James M. White, Zoning Commission

**** MR. HEMPSTEAD MOTIONED TO TABLE THE REAPPOINTMENT OF JAMES WHITE TO THE ZONING COMMISSION.**

Mayor Moccia stated that the motion to table is not debatable.

Mr. Miklave called for a point of order and asked for clarification that when an item is tabled it does not come back to the agenda without a vote from the Committee from which it came forth. He asked from whose authority and does it come back, how, and when.

Mayor Moccia stated that the item would come back to the Council as a Mayoral reappointment at the next meeting.

**** MOTION PASSED WITH NINE VOTES IN FAVOR (HILLIARD, HEMPSTEAD, BONDI, ROMANO, GEAKE, KYDES, MAGGIO, PETRINI, MCCARTHY) SIX VOTES OPPOSED (DULEEP, PENA, MIKLAVE, WATTS, KIMMEL, IGNERI) AND NO ABSTENTIONS.**

MAYOR'S REMARKS:

Mayor Moccia stated that all are invited to attend the swearing in of the new Chief of Police Thomas Kulhawik tomorrow at 12:30 p.m. at City Hall in the Community Room. He noted that Chief Kulhawik has a brother who is also a Police Officer and one that is a Police Chief from the tri-state area, and there will be lots of family and friends in attendance.

Mayor Moccia noted that during Tuesday evening's 2012 Norwalk Housing Foundation Scholarship Awards Ceremony, 37 students were awarded more than \$130,000 in scholarships for the pursuit of higher education. He added that the event was hosted at the Stepping Stones Museum for Children, and was attended by

both graduates and former recipients of the NHA collegiate awards, and is an example of the many good things going on in the City.

V. COUNCIL PRESIDENT

- A. GENERAL COUNCIL BUSINESS
- B. CONSENT CALENDAR

**** MR. HILLIARD MOTIONED THE FOLLOWING ITEMS FOR THE CONSENT CALENDAR:**

VII. A. 1a, 2, 3, 4, 5a, 5b, 6a, 6b, 7, 8, 9a, 9b. B.1a, 1b, 2, 3.

It is noted that Item VII. A.10 was initially on consent then removed after Mr. Miklave pointed out that the item was not on the original agenda.

**** THE MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

Note: The following items on consent are listed in bold type:

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. Authorize the Purchasing Agent, Gerald Foley to issue purchase orders to High Tech Diving & Safety, Inc. for scuba equipment per response to bid project #3193 for an amount not to exceed \$16,000 from account # to be determined.

2. Authorize the Purchasing Agent, Gerald Foley, to execute a purchase order on behalf of the Police Department to Cellebrite USA, Corp. for the purchase of the UFED equipment and software package for an amount not to exceed \$9,000. Acct #35309A-5769.

CONSENT CALENDAR - continued

3. Authorize the Mayor, Richard A. Moccia, to execute all documents necessary to apply for and accept funds from the State of Connecticut Department of Public Health to implement a lead poison program for the period July 1, 2012 to June 30, 2013 in the amount of \$26,140.

4. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement a lead poison program for the period July 1, 2012 to June 30, 2013.

5a. 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 in the amount of \$68,655 for the Sexually Transmitted Disease Program for the period July 1, 2012 to June 30, 2017.

5b. Authorize the Mayor, Richard A Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Sexually Transmitted Disease Program for the period July 1, 2012, to June 30, 2015.

6a. Authorize the Mayor, Richard A Moccia, to execute any and all documents necessary to apply for and accept grant funds in the amount of \$46,617 from the State of Connecticut for the AIDS Prevention Education Program for the period July 1, 2012 through December 31, 2012.

6b. Authorize the Mayor, Richard A Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the AIDS Prevention Education Program for the period July 1, 2012 through December 31, 2012.

7. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept funds from the State of Connecticut Department of Public Health for the preventive health block grant program for the period July 1, 2012 to June 30, 2014 in the amount of \$11,968 per year.

8. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the preventive health block grant program for the period July 1, 2012 to June 30, 2014.

9a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to apply for and accept funds from the State of Connecticut Department of Public Health for a Public Health Emergency Response program for the period August 10, 2011 to June 30, 2014.

CONSENT CALENDAR - continued

9b. Authorize the Mayor, Richard A. Moccia, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement a Public Health Emergency Response program for the period August 10, 2011 to June 30, 2014.

B. LAND, USE AND BUILDING MANAGEMENT COMMITTEE

1a. Authorize the Mayor, Richard A. Moccia, to execute an Agreement with Pro Gas, LLC for the Ben Franklin Center Gymnasium air handler replacement project for a total not to exceed \$75,660.00. Acct. # 09127100 5777 C0295 and #09127100 5777 C0476

1b. Authorize the Office of Building Management to issue Change Orders on Contract for a total not to exceed \$7,566.00.

2. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Ashforth Properties Construction, Inc. d/b/a A.P. Construction Company, as the Construction Manager (CM) for the Naramake School Improvement Project. Terms of the agreement shall include the following:

Preconstruction Phase Services (including reimbursable allowance) \$ 17,500
CM Fees (% of the cost of the work) 2%
CM Contingency (% of the cost of the work) 3%
Estimated CM General Conditions Fees (to be finalized at the time of GMP)
Final contract price (GMP) to be submitted Estimated \$205,000
to the Common Council for final approval. Acct. #09045010-5777-C0321

3. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Ashforth Properties Construction, Inc. d/b/a A.P. Construction Company, as the Construction Manager (CM) for the Rowayton School Improvement Project. Terms of the agreement shall include:

Preconstruction Phase Services (including reimbursable allowance) \$ 22,500
CM Fees (% of the cost of the work) 2%
CM Contingency (% of the cost of the work) 3%
Estimated CM General Conditions Fees (to be finalized at the time of GMP)
Final contract price (GMP) to be submitted Estimated \$425,000
to the Common Council for final approval. Acct. #09045010-5777-C0322.

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

10. Approve the proposed amendments to City Ordinance Section 57-5 Board of Health Fees for Services rendered by the Department of Health.

Mr. Miklave called for a point of order that Item VII. 10 was initially on consent but the item was not on the original agenda, and asked what specifically was being voted on.

Mayor Moccia stated the realized that the item was left off the agenda in error. Mr. Miklave asked if this did come through the Committee, and Ms. Romano replied that it was approved to be forwarded on to the Council but was inadvertently left off the agenda.

Mr. Kimmel requested the item to be tabled to avoid a potential FOI violation. Mr. Hempstead suggested that it be on the agenda for the next meeting.

Mr. Miklave stated that because the item represents an ordinance change for fees charged, it is important enough to review in greater and suggested that the item be tabled.

**** MR. KIMMEL MOVED TO TABLE UNTIL THE NEXT COUNCIL MEETNG, THE PROPOSED AMENDMENTS TO CITY ORDINANCE SECTION 57-5 BOARD OF HEALTH FEES FOR SERVICES RENDERED BY THE DEPARTMENT OF HEALTH.
** MOTION PASSED UNANIMOUSLY.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES- none

XII. ADJOURNMENT

**** MS. ROMANO MOTIONED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services