

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JUNE 22, 2010
REGULAR MEETING MINUTES**

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 8:15 p.m. and led the assembly in the Pledge of Allegiance. Mayor Moccia asked for a point of clarification for the record, that meetings follow Mason’s Rules of Order, not Robert’s Rules of Order as previously stated.

I. ROLL CALL

Ms. Wink called the roll. The following Council Members were present:

- | | | |
|---------------------|-----------------------|----------------------|
| Council at Large: | Mr. Douglas Hempstead | Mr. Fred Bondi |
| Mr. Richard McQuaid | Ms. Joanne Romano | Mr. John Tobin |
| District A: | Mr. Richard Bonenfant | Mr. David Jaegar |
| District B: | Mr. Carvin Hilliard | Mr. Travis Simms |
| District C: | Mr. Nicholas Kydes | Ms. Laurel Lindstrom |
| District D: | Mr. Clyde Mount | Ms. Kelly Straniti |
| District E: | Mr. Andy Conroy | Ms. Nora King |
- Mayor Richard A. Moccia
Attorney Jeffrey Spahr, Assistant Corporation Counsel
Ellen Wink, City Clerk
All fifteen members were present.

II. ACCEPTANCE OF MINUTES

Regular meeting – June 8, 2010

- ** **MR. BONDI MOTIONED TO APPROVE THE MINUTES FROM THE JUNE 8, 2010 MEETING AS SUBMITTED.**
- ** **THE MOTION PASSED WITH TWELVE VOTES IN FAVOR, NONE OPPOSED, THREE ABSTENSIONS (CONROY, KING, HILLIARD).**

III. PUBLIC PARTICIPATION

City Clerk Wink stated that there were no other names on the public participation sign-up sheet, and asked if there was anyone else in attendance that planned to speak and hearing none stated that public participation of the meeting would be closed.

IV. MAYOR

RESIGNATIONS: Diana Paladino, Human Relations Commission
Garry Douglas Bates, Jr.

APPOINTMENTS: Diana Paladino, Library Board of Trustees
Jan Schaefer, Harbor Management

Mayor Moccia stated that there was some concern over the absence of a formal letter of resignation for Regina Kimmel, from the Library Board of Trustees, but her resignation was reflected in the Library minutes. He stated that the resignations were accepted and an acknowledgement of service was noted.

- ** MR. BONENFANT MOTIONED TO APPROVE THE APPOINTMENT OF DIANA PALADINO TO THE LIBRARY BOARD OF TRUSTEES FOR A TERM TO EXPIRE 12/31/2011.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Ms. Lindstrom stated that there was concern over the balance of party affiliation on the Harbor Management Commission with six Republicans, one Democrat and two unaffiliated, and she wanted to express this concern. Mayor Moccia stated that while he strives to be fair with the political make up of the committee members, it is most important to have a qualified candidate and this is a non-political Commission. He added that there were two key issues with dredging and lobbying for federal funds, and it is critical to have someone who is experienced with the Norwalk Harbor not necessarily with the particular party affiliation to serve on the Commission.

Mr. McQuaid asked if Ms. Schaefer was the only female, and Mayor Moccia replied that there currently is another female on the commission, Ms. Pat Clark. Mr. Hempstead spoke in support of Ms. Schaefer's appointment stating that she has lived along the water, is knowledgeable about the harbor, and has expressed a passion and expertise on water issues affecting the City. Mr. Bondi echoed Mr. Hempstead's comments and stated that he has known Ms. Schaefer for many years, that she is a boater and member of Shore & Country and is a very good choice for an appointment to the Commission.

- ** MR. MCQUAID MOTIONED TO APPROVE THE APPOINTMENT OF JAN SCHAEFER TO THE HARBOR MANAGEMENT COMMISSION FOR A TERM TO EXPIRE 12/31/2010.**

Mayor Moccia called for a roll call vote.

- ** MOTION PASSED WITH TEN VOTES IN FAVOR (HEMPSTEAD, BONENFANT, BONDI, MCQUAID, ROMANO, TOBIN, KYDES, MOUNT, STRANITI, CONROY) FIVE VOTES OPPOSED (LINDSTROM, KING, SIMMS, HILLIARD, JAEGER) AND NO ABSTENTIONS.**

MAYOR'S REMARKS:

Mayor Moccia stated he had recently attended the Board of Education retirement reception for about 36 teachers along with some administration retirees, one being there almost 40 years. On behalf of himself and the Council he extended congratulations and best wishes to them in their retirement. He added that there will be the first concert of the season at the beach this Wednesday along with the Olympic Day Celebration and Car Show, including a band that plays music from the fifties.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS: - REMARKS:

Mr. Hempstead made a statement of thanks to the Mayor for the opportunity to attend the Flag Day for the 1st District Taxing District on his behalf. He stated that there was a wonderful performance by the Coast Guard Band, and added a thank you to some of the council members who attended the event. Mr. Hempstead added that the improvements at the beach have been incredible and encouraged members who have not gone down to the beach, to go and see the great improvements with the benches, lighting and sidewalks. He stated that the beach is packed and attendance has come back. He gave an acknowledgement of an outstanding job to Mike Moccia, and stated that the beach looks great!

B. CONSENT CALENDAR:

The items approved on the Consent Calendar are in bold type as follows:

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

VII.B.1, VII.C.1, VII.C.2, VII.C.3, VII.C.4, VII.D.1, V11.D.4, VII.D.5

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

VII. COMMON COUNCIL COMMITTEES

A. ORDINANCE COMMITTEE

- 1. Curtis Yaber vs. Board of Education, et al – EXECUTIVE SESSION
Approved on consent to move to the end of the agenda.**

B. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

- 1. Technical Correction – Revise the authorization voted on at the May 11, 2010 meeting as item number VII. B.4 in order to correct the Vendor's name to AAdvanced Business Software, LLC d/b/a Advanced Business Software, LLC.**

Approved resolution from May 11, 2010 Action

Authorize the Mayor, Richard A Moccia, to execute any and all documents, instruments or amendments necessary to engage Advanced Business Solutions to supply and support the software for the clinical programs provided by the Health Department for an amount not to exceed \$76,800 for a twelve-month period effective on the signing of the agreements. Account # 35-20-93-5741

Revised Resolution

Authorize the Mayor, Richard A Moccia, to execute any and all documents, instruments or amendments necessary to engage AAdvanced Business Software, LLC d/b/a Advanced Business Software, LLC to supply and support the software for the clinical programs provided by the Health Department for an amount not to exceed \$76,800 for a twelve-month period effective on the signing of the agreements. Acct # 35-20-93- 5741

C. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee: June 10, 2010
2. For informational purposes only: Narrative Tax Collections: June 10, 2010.
3. For informational only: Monthly Tax Collector's Report: May 31, 2010.
4. Authorize the Mayor, Richard A. Moccia, to sign a contract for Independent Auditing Services to McGladrey & Pullen, LLP for a total contract award of \$445,150.00 broken down as follows:

Fiscal Year 2010-11 (Audit of June 30, 2010) for a sum not to exceed \$89,030.00
Fiscal Year 2011-12 (Audit of June 30, 2011) for a sum not to exceed \$89,030.00
Fiscal Year 2012-13 (Audit of June 30, 2012) for a sum not to exceed \$89,030.00
Fiscal Year 2013-14 (Audit of June 30, 2013) for a sum not to exceed \$89,030.00
Fiscal Year 2014-15 (Audit of June 30, 2014) for a sum not to exceed \$89,030.00

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with N.E.O.N. Neighborhood Center at Nathaniel Ely School to use the grounds for a summer camp to be held from Tuesday, July 1, 2010 – Friday, August 13, 2010 from 8:30 AM – 6:00 PM daily. Estimated attendance 160.
2. Authorize the Purchasing Director to issue a purchase order to low bidder Sound Construction project #2961 Concrete Slab for Carriage House Fodor Farm for a sum not to exceed \$17,457.00. Account #016031-5585.

3. A) Authorize the Mayor, Richard A. Moccia to enter an agreement with Wernert construction for project #2900 Fodor Farm Homestead Dwelling for a sum not to exceed \$209,375.00. Account #'s 09116030-5777-C0447 and 90906030-5777-C0462.

B) Authorize the Director of Recreation and Park to issue change orders on contract not to exceed \$21,000.00. Account #90906030-5777-C0462 & 09116030-5777-C0447.

VII. COMMON COUNCIL COMMITTEES

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

4. Authorize the Mayor, Richard A. Moccia to execute an amendment to the City's Lease with Stepping Stones Museum for children, to authorize the Museum to

1) obtain a loan that uses the New Markets Tax Credit Program, created as part of the Federal Community Renewal tax Relief Act of 2000, as amended, sponsored by the United States Department of treasury under its Community Development Financial Institution Fund for purposes of Museum development; and

2) execute any and all documents necessary to obtain such a loan, including any and all documents or instruments necessary to secure such loan-subject to review and approval by the city's Corporation Counsel.

Mr. McQuaid moved the item and asked Attorney Spahr to clarify the wording of the item, who stated that Stepping Stones Museum will execute any all documents and for clarification, there is no city liability with the lease that has forty years remaining, and the loan is forgivable. He added that all documents that have been thoroughly reviewed by Corporation Counsel and the Legal Department.

Mr. Bonenfant thanked the Legal Department for their thorough review and added that it was confusing and an important clarification to ensure there was no exposed liability for the city.

**** MR. MCQUAID MOTIONED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO EXECUTE AN AMENDMENT TO THE CITY'S LEASE WITH STEPPING STONES MUSEUM FOR CHILDREN, TO AUTHORIZE THE MUSEUM TO**

1) OBTAIN A LOAN THAT USES THE NEW MARKETS TAX CREDIT PROGRAM, CREATED AS PART OF THE FEDERAL COMMUNITY RENEWAL TAX RELIEF ACT OF 2000, AS AMENDED, SPONSORED BY THE UNITED STATES DEPARTMENT OF TREASURY UNDER ITS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND FOR PURPOSES OF MUSEUM DEVELOPMENT; AND

2) EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO OBTAIN SUCH A LOAN, INCLUDING ANY AND ALL DOCUMENTS OR INSTRUMENTS NECESSARY TO SECURE SUCH LOAN-SUBJECT TO REVIEW AND APPROVAL BY THE CITY'S CORPORATION COUNSEL.

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

5. A) Authorize the Mayor, Richard A. Moccia to enter into an agreement with TJL Industries, LLC (dba Dalton Track & Tennis) as low bidder project #2958 Norwalk High School Track resurfacing for a sum not to exceed \$88,000.00. Account #'s 09116030-5777-C0454 and 09096030-5777-C0454.

B) Authorize the Director of Recreation and Parks to issue change orders on contract for a sum not to exceed \$8,800.00. Acct #'s 09116030-5777-C0454 09096030-5777-C0454.

Mr. McQuaid moved the item and stated that the track gets usage from Naramake School as well as the usage from Norwalk High and the general public, and he asked Mr. Moccia to address the Council to answer questions. Mr. Moccia stated that the track is eight years old and repairs were originally a part of the Capital Budget, two years ago. He added that since then the resurfacing had to be re-bid and is higher than originally budgeted.

Mr. Conroy asked if this is a capital project, and Mr. Moccia stated that the resurfacing is necessary to extend the life of the track. Mr. Kydes stated that he is a runner and has used the track and can attest to the need for repairs and resurfacing. Mr. Jaeger asked if the technology available will help to extend the life of the surface, and Mr. Moccia answered yes, that he hopes the improvements will add to the life of the track.

Ms. King asked why there was \$8,800 for change orders, and Mr. Moccia replied that a standard 10% is built in to cover potential unforeseen expenses as a contingency.

**** MR. MCQUAID MOTIONED TO AUTHORIZE THE MAYOR, RICHARD A. MOCCIA TO ENTER INTO AN AGREEMENT WITH TJL INDUSTRIES, LLC (DBA DALTON TRACK & TENNIS) AS LOW BIDDER PROJECT #2958 NORWALK HIGH SCHOOL TRACK RESURFACING FOR A SUM NOT TO EXCEED \$88,000.00. ACCT #'S 09116030-5777-C0454 AND 09096030-5777-C0454. AND TO AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO ISSUE CHANGE ORDERS ON CONTRACT FOR A SUM NOT TO EXCEED \$8,800.00. ACCOUNT #'s 09116030-5777-C0454 AND 09096030-5777-C0454.**

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

IV. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

Approve appointment of Associate Corporation Counsel, Brian McCann.

Mayor Moccia stated that Mr. McCann has been very effective in serving on the Zoning Board and is always cordial in dealing with the public, and is a very knowledgeable person and very qualified for appointment to the position.

**** MR. HEMPSTEAD MOTIONED TO APPROVE THE APPOINTMENT OF ASSOCIATE CORPORATION COUNSEL, BRIAN MCCANN, FOR A TERM TO EXPIRE 06/21/2013.**

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

Mr. Hilliard left the meeting at 8:40 p.m.

VII. COMMON COUNCIL COMMITTEES

A. ORDINANCE COMMITTEE

1. Curtis Yaber vs. Board of Education, et al – EXECUTIVE SESSION

**** MR. HEMPSTEAD MOTIONED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF CURTIS YABER VS. BOARD OF EDUCATION, ET AL**

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

The Council went into Executive Session at 8:45 p.m.

**** MR. HEMPSTEAD MOTIONED TO RE-ENTER INTO PUBLIC SESSION.**

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

The Council reconvened into public session at 9:00 p.m.

**** MS. ROMANO MOTIONED TO APPROVE THE SETTLEMENT OF CURTIS YABER VS. BOARD OF EDUCATION, ET AL**

**** THE MOTION WAS APPROVED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

IX. MOTIONS POSTPONED TO A SPECIFIC DATE There were no motions postponed.

X. SUSPENSION OF THE RULES There were no suspensions of the rules.

XI. ADJOURNMENT

**** MS. ROMANO MOTIONED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Marilyn Knox, Telesco Secretarial Services