

COMMON COUNCIL AGENDA JANUARY 8, 2013
NORWALK, CONNECTICUT 8:00 P.M. 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

I. ROLL CALL

II. ACCEPTANCE OF MINUTES

Regular Meeting:

December 11, 2012

III. PUBLIC PARTICIPATION

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

APPOINTMENTS:

REAPPOINTMENTS: Mary C. Pugh, Library Board
 Stanley M. Siegel, Library Board

MAYOR'S REMARKS:

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

NAMING OF COUNCIL OFFICERS:

Sarah Mann

APPOINTMENTS: Michelle Maggio, Chairman of Health, Welfare & Public
Safety Committee

REVISED COMMITTEE ASSIGNMENTS:

TBD

B. CONSENT CALENDAR

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

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VII. COMMON COUNCIL COMMITTEES

A. FINANCE/CLAIMS COMMITTEE

1. Accept and Approve the Report of the Claims Committee dated:
 November 8, 2012
 December 13, 2012
2. For informational purposes only: Monthly Tax Collector's Report dated:
 October 31, 2012
 November 30, 2012
3. For informational purposes only: Narrative on Tax Collections dated:
 December 13, 2012

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Richard A. Moccia, to execute a Lease Agreement with the Child Guidance Agency of Mid Fairfield County for ±900 square feet of office space on the second floor of the Norwalk Health Department building for three years. Rental payment shall be \$14,400 per year.
- 2a. Authorize, the Mayor, Richard A. Moccia, to execute an Agreement with Paul J's Construction, LLC for the renovation of the bathrooms at Norwalk Public Library, 1 Belden Avenue for a total not to exceed \$54,265.00.

 Account: #09116210 5777 C0491, 09106210 5777 C0469
- 2b. Authorize the Director of Library Technology to issue change orders on the contract for a total not to exceed \$8,194.00.
3. Authorize the Purchasing Agent to issue a Purchase Order to Online Mooring, LLC for an online mooring management system to be utilized by the Norwalk Harbor Management Commission to administer, regulate and manage all boat moorings in the Norwalk Harbor. The terms for the services shall be as follows:
 - Service fee shall be five dollars (\$5) per vessel;
 - 3.25%+ \$0.30 per transaction charge to cover credit card processing; and

- Period of service shall be for one year with option to extend for one additional year.

Costs for online mooring management services will be incorporated within established mooring rates and will not affect amount to be paid by vessel owners.

Account: #0300002628

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Interstate Ford Project #3220 2012

Ford F550 w/Reading Panel body (\$44,517.00) and 2012 Ford F550 with Rack Body (\$38,054.000) for a sum not to exceed \$82,571.000.

Account #0913-6030-5777-C0486

2. A) Authorize the Mayor, Richard A. Moccia to enter into an agreement with Team Mossman Inc. for the use of Calf Pasture Beach for the "Mini Mossman Triathlon" to be held Saturday, July 13, 2013 from 8:00 AM - 12:00 Noon. Set up to take place 12:00 Noon on Friday, July 12, 2013. Estimated attendance 200.

B) Authorize the Mayor, Richard A. Moccia to enter into an agreement with Team Mossman Inc. for the use of Calf Pasture Beach for the Mossman Spring Triathlon to be held Sunday, July 14, 2013 from 6:30 AM - 10:00 AM. Estimated attendance 650.

C) Authorize the Mayor, Richard A. Moccia to enter into an agreement with Team Mossman Inc. for the use of Calf Pasture Beach for the "Mighty Moss Half Iron Triathlon" to be held Sunday, June 30, 2013 from 6:30 AM - 4:00 PM. Set up to take place at 12:00 Noon on Friday, June 29, 2013 with tear down no later than 11:00 AM on Monday, June 31, 2013. Estimated attendance 250.

3. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk Karting Association for the use of Calf Pasture Beach for their Spring and Fall Racing Seasons. Estimated attendance 150.

**COMMON COUNCIL
NORWALK, CONNECTICUT**

AGENDA

JANUARY 8, 2013

8:00 P.M. EST. COUNCIL CHAMBERS

Spring 2013

March 23, 30
April 6, 13, 20, 28 (no Saturday)
26
May 4, 11, 18 (no Sunday)
No Sunday Rain Dates on May 12 or May 19

Fall 2013

September 14, 28 (no Sunday)
October 5 (no Sunday), 12, 19,
26
November 2, 9, 16
No Sunday Rain Dates on
September 29 or
October 6

4. A) Authorize the Mayor, Richard A. Moccia to enter into an agreement the Norwalk Hospital Foundation for the use of Calf Pasture Beach to hold their Whittingham Cancer Center Walk & Sally's Run to be held on Saturday, April 27, 2013 from 8:00 AM - 2:00 PM. Estimated attendance 2,000.
- B) Approve the use of the Show Mobile by the Norwalk Hospital Foundation for their Whittingham Cancer Center Walk & Sally's run to be held Saturday, April 27, 2013.

D. PLANNING COMMITTEE

1. Approve as to terms the referenced Day Street Option Agreement subject to final form as determined by Corporation Counsel. Authorize the Mayor to execute the Option Agreement.

VIII. RESOLUTIONS FROM COMMON COUNCIL

A Resolution in Support of Freedom of the Press

Sponsored by David Watts (District A) & Anna Duleep (At-Large)

Whereas. The First Amendment to the United States Constitution states: "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Whereas. The Norwalk Common Council adopted the Code of Ethics (Section 32) on June 26, 2007.

Whereas. Section 32(1) of the Code of the City of Norwalk states, “The Common Council of the City of Norwalk shall be charged with the administration of the Norwalk Code of Ethics.”

Whereas. Section 32-2(A) of the Code of the City of Norwalk states, “The public needs and deserves to have confidence in the integrity of the municipal government of our City.”

Whereas. Section 32-4 of the Code of the City of Norwalk defines probable cause as “A state of facts constituting more than mere suspicion and establishing that a state of facts is more likely than not. To establish probable cause there must be facts and circumstances within the investigating panel members' knowledge, based upon trustworthy information, sufficient to justify the belief of a reasonable person that a violation of the Code of Ethics has occurred. The investigating panel shall be guided by established law in the State of Connecticut in making a determination of what constitutes probable cause.”

Whereas. Section 32-23 (A) (1) of the Code of the City of Norwalk states that a violation of the Code of Ethics “By an elected officer shall be considered dereliction of official duty, and therefore a cause for censure, impeachment or removal from office under the Code of the City of Norwalk.”

Whereas. Section 32-23(2) of the Code of the City of Norwalk states that the violation of the Code of Ethics “By an officer of an appointed board or commission shall be considered misconduct in the performance of duties and therefore a ground for censure or removal under the Code of the City of Norwalk.”

Whereas. Section 32-23(3) of the Code of the City of Norwalk states that the violation of the Code of Ethics “By a employee of an agency shall be considered misconduct and therefore a ground for censure or discipline, including demotion in rank or grade, termination of a contract or discharge under the Code of the City of Norwalk and any applicable labor agreement.”

Whereas. Section 32-13(B) of the Code of the City of Norwalk states, “Any individual who is found in violation of this chapter may be subject to a civil action by the City to recover damages, if any that are incurred by the City as a result of said individual's unethical conduct. The costs of the hearing process under this Code of Ethics shall not be included in the aforementioned damages and shall not be recoverable under the provisions of this subsection.”

Whereas. Section 32-16(B) of the Code of the City of Norwalk states, “The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any hearing board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any investigating panel or any hearing board.”

Whereas. Corporation Counsel serves as staff to the Board of Ethics.

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Whereas. Section 63-2 of the Code of the City of Norwalk declares the Law Department to be “the sole legal representative of the municipal corporation.”

Whereas. Section 63-2(A) requires the Law Department to “Represent and advise the Mayor, Common Council, and all city officers, agencies, boards and commissions in all matters of law pertaining to their respective offices and/or duties.”

Whereas. Section 63-3(A) states, “The Corporation Counsel shall be the administrative head of the Law Department, and all attorneys and other personnel employed by the city as part of the Department shall be subject to his supervision.”

Whereas. Section 1-223 of the Code of the City of Norwalk states, “On the second Tuesday following his election, the Mayor shall appoint a Corporation Counsel for the term of two (2) years or until his successor is appointed and qualified, unless removed for cause.”

Whereas. Corporation Counsel is a member of the Ordinance List of employees of the City of Norwalk.

Whereas. The Mayor supervises all members of the Ordinance List of employees of the City of Norwalk.

Whereas. On June 26, 2012, a public meeting of the Common Council was held in the Jennie F. Cave Common Council Chambers.

Whereas. Mayor Richard A. Moccia declared a recess during this Common Council meeting.

Whereas. Members of the press routinely record meetings of the Common Council to ensure the accurate dissemination of information to the public.

Whereas. The City of Norwalk routinely records meetings of the Common Council for broadcast on public television for the purpose of disseminating a true record of actions taken during Common Council meetings.

Whereas. Mayor Richard A. Moccia allegedly walked to the press table during this recess and stood next to the digital recorder belonging to a member of the press.

Whereas. Mayor Richard A. Moccia allegedly conducted an impromptu negotiation with the heads of two unions while standing next to the visible digital recorder at the press table.

Whereas. The journalist’s digital recorder was still on, although the journalist had left it unattended.

Whereas. The journalist’s digital recorder allegedly recorded a true and accurate account of Mayor Moccia’s conversation with representatives of two unions who deal with the Board of Education.

Whereas. On June 28, 2012, the journalist contacted Mayor Richard A. Moccia via electronic mail to present him with the following information:

"Mr. Mayor, As you know, Tuesday night you had an impromptu negotiation session with Tony Ditrio and Bruce Mellion during the Common Council meeting. What you don't know is that my digital recorder, which was sitting on the ledge where you were standing, was on. I walked away from my computer and forgot to shut the recorder off. It recorded a conversation that was held in a public venue, in a public space. I have listened to the recording several times. Although there is a lot of background noise I am confident that I have most of the conversation transcribed correctly. We have decided that this is a story, which will run in the morning. If you would like to complain **about the editorial decision, please call Christine Hall, who is filling in for the vacationing Matt...**If you want to talk about the conversation, call me... I will record the phone call for the protection of both of us."

Whereas. On June 28, 2012, the Corporation Counsel Robert Maslan, Jr. responded via electronic mail:

"Dear Ms. Chapman: Mayor Moccia forwarded your email to him regarding your recording of a private conversation involving the Mayor and others. Thank you for bringing your recording of the conversation to our attention before publishing a story about it. Please be aware of the following: Assuming that **your characterization of the conversation is correct--that it was an 'impromptu negotiation session'** with two collective bargaining representatives--the discussion was not a meeting as defined by the Freedom of Information Act. Accordingly, the conversation cannot be considered as public, even if it occurred in a public place. Recording a private conversation as you did, without the consent of the participants, constitute an invasion of privacy, and may also constitute a violation of the eavesdropping statutes. Publication of the contents of the conversation would raise significant legal issues, and we are considering legal options. You did not have Mayor Moccia's consent to record his private conversation, and you do not have his consent to publish the contents of the conversation. Please call me as soon as **possible to discuss this serious matter...Thank you. Robert F. Maslan, Jr. Corporation Counsel City of Norwalk P.O. Box 798 Norwalk, CT 06852-0798.**"

Whereas. The reporter was later contacted by the Connecticut State Police and interviewed regarding a complaint filed by Mayor Richard A. Moccia. This is currently a criminal investigation.

APPOINTMENTS

REAPPOINTMENTS

<u>LIBRARY BOARD</u>	<u>M/C</u>	
<u>NWLK CODE</u>		
Mary C. Pugh (D)		Term
Exp. 12/31/16		
9 Outer Road		
Norwalk, CT 06854		

<u>LIBRARY BOARD</u>	<u>M/C</u>	<u>NWLK</u>
<u>CODE</u>		
STANLEY M. SIEGEL (U)		Term Exp.
12/31/16		
1 Arnold Lane		
Norwalk, CT 06853		