

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 and asked everyone to remain standing. Mayor Moccia called for a moment of silence for Former Mayor Esposito who is gravely ill at the Norwalk Hospital. Mayor Moccia offered a message of keeping him in our thoughts and prayers on behalf of the City at this time.

I. ROLL CALL

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

Council at Large: Mr. Douglas Hempstead Mr. Fred Bondi Ms. Sarah Mann

Anna Duleep Warren Peña

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. Jerry Petrini Mr. Bruce Kimmel

District E: Mr. David McCarthy Mr. John Igeri

Mayor Richard A. Moccia; Attorney Robert Maslan Corporation Counsel;

Ms. Erin Halsey, City Clerk. Fifteen members were present. Absent: None.

II. ACCEPTANCE OF MINUTES

Regular meeting – December 11, 2012

**** MR. KYDES MOVED TO APPROVE THE MINUTES FROM THE MEETING OF DECEMBER 11, 2012 AS SUBMITTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC PARTICIPATION

Mayor Moccia stated the rules for public comment and asked those that had signed up to speak to state their name, affiliation and to keep comments civil in nature with no personal attacks and to be related to the agenda to a limit of three minutes.

Public Comments represent summarizations of comments made, unless otherwise noted.

1. William Dunn, Devils Garden Road, Norwalk, stated that the proposed resolution has impressed him with how Councilman Watts has come a long way in a short time as not only a U.S. scholar but expert on the First Amendment. He described the incident as what was a little informal chit chat to an attempt at extortion into a resolution of four pages with many legal terms, and many, many “whereas” and “therefore” words used here.

Mr. Peña interrupted and requested a point of order that personal attacks were not permitted. Mayor Moccia asked Mr. Dunn to keep his remarks within the guidelines and relevant to the

agenda. Mr. Dunn continued that he hopes more important things like the school budget and taxes will take priority on the agenda rather than another partisan resolution that does not belong on the Council floor.

2. Mr. Jeffrey Hall, Silvermine Avenue, Norwalk stated that he liked the u-tube video and wanted to speak on the FOI act and Freedom of the Press. He stated that in any public meeting, regardless of whether a recorder was intended to be on, the press has a right to keep it going during a recess, and the public has every right to that information. He added that efforts to muzzle the press makes Norwalk look silly and he supports efforts to maintain freedoms that citizens have relating to municipal actions.
3. Mr. David Levinson, President of Norwalk Community College spoke in support of the Washington Village Choice Neighborhoods plan and stated that it will transform South Norwalk. He gave a detailed explanation of the elements of the plan and that it represents a culmination of a task force and master plan that has been in development for over one year and has been the subject of many meetings and public information sessions. He stated that this plan improves the lives of thousands of residents and he asked the Council to endorse the item.
4. Mr. Larry Cross, CEO of the Norwalk Community Health Center spoke in support of the Washington Village Choice Neighborhoods plan and stated that it includes a wide array of primary care services such as the Open Door Shelter and behavior enhancement programs. He further explained that the modifications will transform the complex to reduce overcrowding providing enhanced eyes on the streets of South Norwalk. He gave a detailed explanation of the elements of the plan and that it represents a culmination of a task force and master plan that has been in development for over one year and has been the subject of many meetings and public information sessions. He stated that this plan improves the lives of thousands of residents and he asked the Council to endorse the item to make it a top priority for the City.
5. Raymond Dunlap, representative of Washington Village asked those members of the audience to stand in support of the development. He stated that the many residents here tonight are present to show their support and hopes that the council will vote to endorse the plan and to move it forward on their behalf.
6. Vilma Dunlap thanked all the residents of Washington Village for coming out tonight and asked to take into consideration those voices that need to be heard. She stated that the community stands in support of the development. He stated that the many residents here tonight are present to show their support and hopes that the council will vote to endorse the plan and to move it forward on their behalf.
7. Candace Meyer, Deputy Director of the Norwalk Housing Authority stated that they are in support of the Choice Neighborhoods Project and that as stated by community stakeholders tonight it is a culmination of a plan that has been the topic of many presentations and public information sessions. She referred to a letter from Stepping Stones Museum Director and submitted it for the record along with a letter from Reverend Lindsay Curtiss urging the council to vote on the option for approval.
8. Art Scialabba, Chairman of the RTC spoke against the resolution and stated that it has nothing to do with information and procedures and everything to do with politics. He explained that the proper course of action would be to file an ethics complaint, but it that was done it would

have to be confidential and there would be no political gain.

Public Comments – continued

9. He added that this is not based on a real problem, it is a political gimmick and waste of time and should not be part of the Council actions and it is really not becoming of the Council members involved to take this course of action.
10. Dr. Ganga Duleep, President of Friends of Ryan Park stated that their organization was never contacted and never involved with the Choice Neighborhoods plan after spending much of their own time, money and effort with improving and maintaining the park. She stated that after being present at a Planning Committee meeting, there was no quorum and Mr. Kydes moved this item on to the Council without regard to absence of public input. She referred to a letter and e-mail sent to the Council and asked that this item be referred back to Committee for proper review, as there is no rush to pass it on to HUD. She stated that it is their duty to protect the park and not to sell it to a developer for \$1.
11. Karen Brown, 288 Rowayton Avenue, and Vice President of Fairfield County Community Foundation spoke about the Choice Neighborhoods program for Washington Village and described it as a Place-Based Initiative. She spoke about a focused partnership of philanthropic partners coming together with community stakeholders with group resources and funders that are based on best practices and she urged the Council to support the item.
12. Peter Nolan, 2 Douglas Drive spoke in support of Washington Village and encouraged the council to pass the item on to the many phases of zoning approval. He added that there is time and procedures to protect Ryan Park and the plan is a thorough and transparent process that should be moved forward. He stated that the eaves-dropping issue is an active criminal investigation and should be in the hands of authorities and not a matter of Council purview. He added that raising an ethics issue would have required going through Corporation Council and it makes no sense to have a non-binding resolution as the course of action. He urged the council to let this process unfold legally as the council floor is not the proper process for resolution.
13. Robert Sodaro, spoke against the Day Street Washington Village item as it does not make sense for the City to give up property to a developer and should be able to negotiate.
14. Jeffrey Spahr, Stoneybrook “Road, Norwalk spoke as a resident and taxpayer in support of Corporation Counsel, and gave a brief overview of his experience in serving the City under many Legal administrators. He said Attorney Maslan has the highest level of integrity and has served the state along with the City for many years. He said that Ms. Duleep was discussing this item in the lobby tonight and he read parts of state statutes Section 7-101a sub-section B. He referred to indemnification clauses on reimbursement of charges for defending against charges. He added that since the 1970’s he has never seen “a higher level of rancor” than what currently exists on the council. He urged the members to try to get along better in the future, to decrease the level of discourse and stop the personal “gotch ya” attempts, stressing he does not want to see Pennsylvania Avenue come to East Avenue. He said he is asking that you all play well in the sandbox, the sandbox is ours and we pay for that sand.
15. Mr. Pat Begos, Highland Avenue, Norwalk stated that he has represented clients against the City in litigation and he holds Corporation in high regard as being of high integrity with

standards of legal professionalism. He stated that with regard to the resolution proposed, he is not sure of what it is intended, if there was a recording done intentionally, but the Corporation Council is advising to make sure that proper advice is than any City Official would not want to be in that position. He stated that the judicial process should run its course and there is no need for such resolution as it interferes with the legal procedures.

Public Comments – continued

16. Victor Carvahlo, 186 Rowayton Woods Drive, Norwalk, spoke of the resolution and that this is the third of three such efforts that are a waste of time and embarrassing harassment in preparation of the next election. He urged the Council to reject this and to remember there is a proper way to pursue matters which is to take this to the Ethics Committee with a complaint that is procedurally reviewed by a hearing board and review board.
17. Cesar Ramirez, stated he has withdrawn his request to comment.
18. Christopher Potts, 73 Nursery Street, Norwalk spoke on behalf of friends of Ryan Park and read a letter into the record. He stated that they are not against redevelopment of Washington Village but the correct process was not followed. He spoke about grants that are highly competitive and funding is not yet approved and while they spoke of dozens of public hearings the only one actually was a barbeque that a few people attended. He stated that there needs to be public information sessions and presentations and the proper vetting process with issues addressed such as the water element with realistic choices given for input. He urged this to go back to Committee for review and then read a letter stating that they intend to file a law suit for claim of land possession of Ryan Park and that the actions of the Planning Committee are in violation of restrictions of the land use covenant documents.
19. Amanda Brown, 80 County Street, Norwalk, said that as a paralegal she has experience with all types of lawyers and some are legitimate and some are not. She added that this resolution is not intended to have the parties fight but to have a discussion and to bring proper civil argument to the table in a healthy just manner. She stated that they want the public to be alerted as they would now have known it was improper and the Democrats do not have the legal assistance as other members and this is not a gimmick just a municipal procedure of conversation to address an issue. Councilman Watts and Duleep have put themselves on the line and have crafted an opportunity to put politics aside and to put on the floor a bipartisan process.
20. Robert Burgess, 37 Brooklawn Avenue, Norwalk is in favor of the Choice Neighborhoods program at Day Street and it makes Norwalk better in many ways. He said there have been many meetings and if those involved missed it is too bad as there were many sessions and much information publicized to the public. He added that the flooding there is unbearable, something has to be done, and all those with concerns have been satisfied, so let's move this on forward.
21. Reverend Bruce Morris 315 Ely Avenue supports the Day Street plan and asked the Council to approve the Choice Neighborhoods. He stated it has been several years of meetings with tenants and outreach efforts to all stakeholders in the community and this is an opportunity to do great things for a very important area of the City. The residents deserve this, they have something positive and opportunity for improved housing with adequate site control, and nothing but positive results can come from this.
- 22.

Ms. Duleep asked that the following e-mails be put into the record, and she read them as follows:

23. Dear Chairman Kydes Planning Committee members:

Although it will need extreme political courage to do so, I urge each of you to reject the sale Option for the Day Street properties to the Norwalk Housing Authority. These properties are worth millions of dollars in revenue if sold outright to a developer (and we know they are interested in those parcels as a comparable lot recently sold to Clay Fowler). and millions more in tax revenues if developed privately, and not as part of the HUD Choice Neighborhoods.

Public Comments – continued

Transformation Plan A vote in favor of the Option will also be in direct conflict with the wishes of the Planning Commission who would not approve such a transaction unless and until the parking requirements required in the Master POCD are met. I call your attention to questions and concerns I had in August when this item was before your committee, and indeed for the past 3 years, and ask if each of you has conducted your own thorough due diligence into the viability of this project, and whether this is “highest and best use” for our precious city-owned property - the decision you will make tonight, and next Tuesday with your fellow councilmen, will have far-reaching impacts on our community, for perhaps the next 20-50 years, and will be a legacy of potential misuse of property and taxpayer funds left for your children and our community to deal with. Attached please find a list of questions and concerns that remain, and that I have not seen address by you my elected officials, and that I fear if not addressed now, will never be. If NHA wins the HUD Choice Neighborhood Grant, I assure you no one will have the political will or courage at that time to turn down \$30 million in development funds, and that may very well be a more grave mistake than we can even calculate today. I intend to observe the Planning Committee meeting later this evening, and invite you to discuss my concerns and I am happy to answer questions or elaborate on any of the issues. Thank you in advance for taking this 11th hour opportunity to pause and reflect upon the magnitude of approving the Option and advancing it to Council. Respectfully yours, Diane Cece

22. Due to the time restraint at the common council meeting on last night I didn't take the time to say.”Friends of Ryan Park” was supported by The Washington Village Residents Council when the plan was to develop an Hockey Rink. After Hurricane Sandy some residents of Washington Village are still in need of basic provisions and find it most insulting to build anything other than affordable housing. Why should a Water Park replace some ones HOME? “YOU PEOPLE” as we have been called fought to keep open land (Ryan Park). WE THE PEOPLE support the redevelopment of Washington Village. Thank You for your consideration, Ella Dunlap

23.I respectfully request that my comments be read aloud into the record by Council President Doug Hempstead as I will not be able to attend the Common Council meeting on Tuesday the 8 January 2013: I own property and am on the Board of Directors of the Windsway Association at 49 Day Street, and neither myself as a private property owner nor the Windsway Board as a business entity have been consulted, informed or otherwise approached by the city or planners about the impact the Washington Village Redevelopment Plan will have on my property and the associations property and quality of life. The meager information I have received has been through the media and has focused solely on the plans impact on Washington Village residents only. This myopic focus on just one community among many was on full display at the Ryan Park redesign meeting held at Norwalk Police Headquarters on 4 December 2013, a meeting which had been advertised only on the Norwalk Housing Authority website and via a same-day blurb in the Norwalk Hour, and that quickly devolved into discussion on what the new Village

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will look like and who will live there. Day Street and its immediate area has other landowners, residents, taxpayers, voters and citizens besides Village residents who will be impacted by this plan -- our voices are just as important and should be heard but as yet, we have been ignored. Thus, I respectfully request the Common Council send the plan back to committee until the full impact on all residents and property owners/taxpayers in the area has been fully vetted. Failing that, I request the Council vote no to the transfer of the parcels at 13 & 20 Day Street.
T Farrell [davissimone@yahoo.com]

Mayor Moccia stated that there were no other names on the sign up sheet and that Public Comments were closed.

MAYOR

RESIGNATIONS AND APPOINTMENTS

REAPPOINTMENTS:

Mary C. Pugh, Library Board

Stanley M. Siegel, Library Board

Mr. Hilliard stated that he applauds the service and dedication of the city by Ms. Pugh and he is pleased to recommend her for reappointment.

**** MR. HILLIARD MOVED TO APPROVE THE REAPPOINTMENT OF MARY PUGH TO THE LIBRARY BOARD OF TRUSTEES WITH A TERM TO EXPIRE DECEMBER 31, 2016.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Bondi stated that he was pleased to recommend Stan Siegel for this reappointment to the Library Board, as he is of great character and has served the City for many years. Ms Mann added that Stan is very active and a real asset to the City and does great work for the community, he will continue to be an excellent member on the Board. Mr. Hempstead stated that he is pleased to echo these comments, and that he is an institution with the Library Board and excellent candidate for reappointment.

**** MR. BONDI MOVED TO APPROVE THE RE-APPOINTMENT OF STANLEY SIEGEL TO THE LIBRARY BOARD OF TRUSTEES WITH A TERM TO EXPIRE DECEMBER 31, 2016.**

**** THE MOTION PASSED UNANIMOUSLY.**

MAYOR REMARKS

Mayor Moccia thanked all for the comments on Washington Village and noted that many stakeholder groups have been involved for a long time with this complex and that it cannot continue to exist as it is today. He referred to it as a complex rather than a project and noted that developers are not bad, they are held accountable to abide within guidelines and there is a thorough transparent management process that is taken into account.

Mayor Moccia announced that there is an Early Childhood Council action plan that will be released that has a focus on kids which is a critical element of school achievement and success in education.

COUNCIL PRESIDENT

City of Norwalk
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A. GENERAL COUNCIL BUSINESS

Mr. Hempstead welcomed Sarah Mann as a new member of the Council replacing the seat vacated by Ms. Romano. He announced that Ms. Michelle Maggio will be the new Majority Leader. Mr. Hempstead then read the following new Committee assignments:

REVISED COMMITTEE ASSIGNMENTS:

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COMMON COUNCIL COMMITTEES 2011-2013

SECOND YEAR

*DOUGLAS HEMPSTEAD, President
MICHELLE MAGGIO, Majority Leader
WARREN PEÑA, Minority Leader*

FINANCE/CLAIMS

Staff: Frederic Gilden, Comptroller
2nd Thursday: 7:00 p.m., Room 231
CARVIN HILLIARD, CHAIR
DOUG HEMPSTEAD
NICK KYDES
DAVID MCCARTHY
WARREN PEÑA
MATT MIKLAVE
JOHN IGNERI

HEALTH, WELFARE & PUBLIC SAFETY

Staff: Tim Callahan, Health Department
4th Thursday: 7:30 p.m., Room 231
MICHELLE MAGGIO, CHAIR
SARAH MANN
JERRY PETRINI
CARVIN HILLIARD
BRUCE KIMMEL
DAVID WATTS

LAND USE & BLDG. MGMT

Staff: Alan Lo, Building/Facility Manager
1st Wednesday: 7:00 p.m., Room A333
FRED BONDI, CHAIR
MICHAEL GEAKE
JERRY PETRINI
WARREN PEÑA
BRUCE KIMMEL
ANNA DULEEP

ORDINANCE

Staff: Robert Maslan, Corporation Counsel
3rd Tuesday: 7:00 p.m., Room 231
MICHAEL GEAKE, CHAIR
BRUCE KIMMEL
SARAH MANN
DAVE MCCARTHY
WARREN PEÑA
CARVIN HILLIARD

PERSONNEL

Staff: H. James Haselkamp, Director of Personnel
4th Wednesday, 6:00 p.m., Room 123
DOUGLAS HEMPSTEAD, CHAIR
NICK KYDES
MICHELLE MAGGIO
SARAH MANN
MATT MIKLAVE
JOHN IGNERI
DAVID WATTS

PLANNING

Staff: Tim Sheehan, Redevelopment Director
1st Thursday: 7:00 p.m., Room 231
NICK KYDES, CHAIR
DOUG HEMPSTEAD
DAVE MCCARTHY
WARREN PEÑA
MATT MIKLAVE
CARVIN HILLIARD
MIKE GEAKE

PUBLIC WORKS

Staff: Hal Alvord, DPW Director
1st Tuesday: 7:00 p.m., Room 231
DAVE MCCARTHY, CHAIR
FRED BONDI
JOHN IGNERI
BRUCE KIMMEL
MATT MIKLAVE
JERRY PETRINI
DAVID WATTS

RECREATION, PARKS & CULTURAL AFF.

Staff: Michael Moccia, Director
3rd Wednesday: 7:00 p.m., Room A333
JERRY PETRINI CHAIR
FRED BONDI
ANNA DULEEP
DOUGLAS HEMPSTEAD
JOHN IGNERI
BRUCE KIMMEL
MICHELLE MAGGIO

Mr. Watts noted that the Committee assignments were not in the packet and Mr. Miklave requested a point of order. Mr. Watts requested a recess to review this document.

The meeting was recessed at 9:20 p.m. and reconvened back into session at 9:30 p.m.

Consent Calendar

**** MR. HEMPSTEAD MOVED THE FOLLOWING ITEMS FOR CONSENT:
A2, 3, B1, 2a, 2b, 3, 4,C1, 1a, 2b, 2c, 3, 4a, 3b.
MOTION TO APPROVE THE CONSENT CALENDAR WAS UNANIMOUS.**

The following items in bold are approved on the Consent Calendar:

VII. COMMON COUNCIL COMMITTEES

A. FINANCE/CLAIMS COMMITTEE

- 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. Acct #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.**

Consent Calendar – Continued

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

**COMMON COUNCIL
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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. Acct #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.

Spring 2013

March 23, 30

April 6, 13, 20, 28 (no Saturday)

May 4, 11, 18 (no Sunday)

No Sunday Rain Dates on May 12 or May 19
29 or October 6

Fall 2013

September 14, 28 (no Sunday)

October 5 (no Sunday), 12, 19, 26

November 2, 9, 16

No Sunday Rain Dates on September

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.

Finance Claims Committee

1. Accept and Approve the Report of the Claims Committee dated:
November 8, 2012, December 13, 2012

*It is noted that the above item was pulled off consent by Mr. Miklave, who requested to recuse himself from the vote for purposes of avoiding a potential conflict as a lawyer with clients that may be on this list of claims.

Mr. Miklave left the Council Chambers at 9:40 p.m. and returned at 9:41 p.m.

** MR. HILLIARD MOVED TO ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED NOVEMBER 8, 2012, DECEMBER 13, 2012.

**** MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead noted an acknowledgement to Ms. Lisa Bucciarelli, Tax Collector and her staff for a job well done with tax collections for the City.

Mr. Watts stated that he had an announcement regarding an invitation for all Council Members to attend the CT Conference of Municipalities training on municipality budgeting. Mr. Miklave added that the conference is free and members would be car-pooling to attend. Mr. Watts added that tomorrow morning, members will be going to Hartford to attend the legislative open session and the Governor's state of the state address.

Mr. Hempstead noted that information is also available on the website for Council members.

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.

***Item was initially placed on consent to be tabled back to Committee, then removed from consent so that Mr. Kydes could make a comment.**

Mr. Kydes moved the item for discussion and stated that this has been in development for many years and there have been many meetings and public information sessions all with full transparency. He stated that there are misunderstandings of property transfers and he is in favor of going back to Committee to clarify the project, and he will meet with Dr. Ganga Duleep to correct these miscommunications that they are not taking Ryan Park away. He stated that he feels it is important to take a step back to correct and straighten out these issues.

Mr. Miklave stated that he appreciates his colleagues willingness to go back to Committee to have these issues addressed and noted that the meetings should be widely publicized to make sure we do it right.

Mr. Kimmel stated that he had a question for Corporation Counsel, that if there is a laws suit, what that would mean for the project. Attorney Maslan replied that he does not know at this point if there will be a suit and what grounds or terms are involved.

Mr. Hilliard stated that there have been countless meetings and he attended many of them that were all well publicized.

Ms. Maggio asked if the HUD application is due by March, and Mr. Sheehan came forward and explained that the timing will not be compromised by going back to Committee, but that the Council is needed to take action in February.

**** MR. KYDES MOVED TO TABLE THE ITEM BACK TO COMMITTEE.**

**** MOTION PASSED UNANIMOUSLY.**

VIII. RESOLUTIONS FROM COMMON COUNCIL

Mayor Moccia read his statement and stated that he believes the item has no bearing on the Council and stated that since the debate involved him he would turn control of the Council floor

over to the Council President.

****Mayor Moccia left the Chambers at 9:55 p.m. and did not return to the meeting.**

Attorney Maslan stated that he also would be leaving the meeting for the same reasons.

****Corporation Counsel left the Chambers at 9:55 p.m. and did not return to the meeting.**

Mr. Hempstead took the Mayor's seat and stated that he has high regard for Corporation Counsel and then gave the rules for how this debate would be handled.

Ms. Duleep read the following resolution in its entirety:

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.

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
City of Norwalk
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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.

Whereas , On October 19, 2012, Mayor Richard A. Moccia allegedly used City-owned property to send the following electronic message to Robert Maslan: "Ok Bob start the civil lawsuit against Chapman she must have sent it to Watts."

Whereas , Mr. Maslan's dual roles as both Corporation Counsel to the City of Norwalk and as a private attorney representing the personal interests of Mayor Richard A. Moccia present a possible conflict of interest under Section 32 of the Code of the City of Norwalk.

Whereas , Corporation Counsel's status as a subordinate to be supervised -along with all other members of the Ordinance List- by the Mayor may make him vulnerable to influence by his supervisor, Mayor Richard A. Moccia.

Whereas , On October 24, 2012, Mayor Richard A. Moccia made the following statements to The Hour Newspapers: "Mr. Maslan is part time. He's my private attorney, also Moccia said. It is my own private choice if I decide to pursue any action."

THEREFORE, be it resolved by the Common Council of the City of Norwalk that the matter be referred to all appropriate agencies, both within and outside the City of Norwalk, to determine whether any violations of Section 32 of the Code of the City of Norwalk have occurred.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that we shall consult with all appropriate government agencies and/or outside legal counsel to determine whether, and to what extent, the aforementioned actions may have left the City of Norwalk vulnerable to legal action.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that the people of Norwalk shall be shielded from any judgments resulting from any subsequent lawsuits related to the aforementioned events of June 26, 2012.

THEREFORE, be it resolved by the Common Council of the City of Norwalk that, in the event the City is determined to be liable for the actions of its Mayor, and is required to pay any money to plaintiffs whose cause of action stems from the events described above, the Common Council shall vigorously pursue reimbursement.

Adopted by the Common Council of the City of Norwalk on January 8, 2013

Mr. Hempstead noted that this adoption sentence assumes approval, and Ms. Duleep replied that she was instructed to read this as proposed.

Mr. Watts gave his statement and spoke about the background and the reasons why he brought the resolution forward were to tear down the wall that exists between the parties, that it is not about politics. He spoke about being a Christian and the fact that this is about what is right and wrong, he wanted to stand up for what is unfair treatment of a member of the press who has since lost her job. He added that Ms. Chapman is a mother who is now struggling to be self employed.

He added that this is a shame to have a reporter lose her job, to be deprived of her means to earn a living, and this should not happen here in the U.S. let alone in Norwalk. He spoke about his grandmother and her legacy of doing the right thing. He asked Mayor Moccia to have a heart and to drop the charges.

Mr. Watts continued on to speak about Freedom of the Press and the public's right to know information that occurred right here in this room. He spoke about his son and the moral conflict that he faced with knowing about this injustice and how disturbing it is to have this go on. He then spoke about the conflict of attorney Maslan being both the Mayor's personal lawyer as well as Corporation Counsel to the Mayor and Council, and stated that this is just not right.

Mr. Peña spoke about Freedom of Press and that as a public official we give up rights of privacy especially in this Council chamber. This is a public room, a public forum and it is wrong for charges to be brought against a member of the press who recorded a conversation that went on right here in this room. He spoke about the resolution and described it as it is not a means to create approval or disapproval of administrative actions. He then spoke about the conflict of Attorney Maslan being both the Mayor's personal lawyer as well as Corporation Counsel to the Mayor and Council, and stated that advice given to him was not in the best interests of the

Council and the City as the Mayor is his priority not the Council members. He added that he has no confidence with advice or legal guidance, there is never an open dialogue or conversation of items when it comes to bringing items on the agenda, and this is just not right.

Mr. McCarthy stated that members of the Council have been asked many times to contribute to items on the agenda. Mr. Miklave responded that this was never the case and there was an exchange of comments. Mr. Hempstead reminded the Council to keep comments as they pertain to the resolution.

Mr. McCarthy asked to comment on the Freedom of the Press and that this resolution is inappropriate to launch from a political statement especially in the middle of an investigation. He added that in a circus-like atmosphere, there is no positive outcome that can be attained by this type of debate. He spoke about the proper procedure of an Ethics Complaint but that needs to be confidential as it is against the Code of Ethics to speak about an active complaint. He summarized that this action is intended to defame the mayor and it needs swift rebuttal.

Mr. Miklave thanked the Council President and Majority leader for allowing this debate and feels that it is a very positive step in moving into a new direction to discussing differences openly in a manner of due diligence. He stated that he has problems with how the resolution is constructed, it is very long and the language needs to be modified and clarified, and that perhaps the Ordinance Committee should have this item in committee to iron out how to fight this type of issue. He added there is ambiguity in the relationship of Corporation Counsel/Personal Attorney and there is an injustice factor that needs to be addressed. As far as the criminal matter now it is intimidating for a member of the press, seen as a friendly reporter, trying to do a job, and the fact that this incident occurred right here is just wrong.

Mr. Watts again spoke about that the incident was one where the reporter followed the right steps, did not print story, the story never came out, and was open to a discussion and changes. He added that Ms. Chapman is a mother who is now struggling to be self-employed to earn a living, and this should not happen here in the U.S. let alone in Norwalk. He spoke about doing the right thing. He asked Mayor Moccia to have a heart and to drop the charges.

Mr. Watts continued on to speak about Freedom of the Press and the public's right to know information that occurred right here in this room. He spoke about his son and the moral conflict that he faced with knowing about this injustice and how disturbing it is to have this go on.

Mr. Igneri stated that he also has issues with the resolution and how it is constructed, but it is important to know that it should go through the legal process. He recommends that it go to the Ordinance Committee with the Council meeting as a whole to fully review as an amendment.

**** MR. IGNERI MOVED TO REFER THE RESOLUTION TO THE ORDINANCE COMMITTEE FOR REVIEW BY THE COUNCIL AS A WHOLE AND FORWARD THOROUGH THE LEGAL PROCESS.**

****MOTION FAILED WITH SIX VOTES IN FAVOR (IGNERI, MAGGIO, MIKLAVE, WATTS, DULEEP, PENA) AND EIGHT OPPOSED (MANN, GEAKE, KYDES, KIMMEL, MCCARTHY, HILLIARD, BONDI, PETRINI).**

purview of the Council and is confident that it is an opportunity to score political points in an election year. He stated that this is a charge of extortion and coercion and it must be investigated and there were options of three agencies: the Police Department which is a conflict, as the Mayor is on the Police Commission. The State Prosecutor's office was also a conflict with the Mayor's daughter being the Assistant Prosecutor Attorney, which left the State Police Department as the proper place to have the investigation. He added that the investigation is far from complete, it is very early in the process, and it is inappropriate for the Council to interfere.

Mr. Geake then called the question. Mr. Hempstead asked for clarification with the Roberts Rules for calling the question, which would end the debate as to whether it required a super majority vote.

Ms. Maggio stated that she wanted to comment on her reason for voting in favor of referring this to Committee and stated that while she feels this should not have come to the Council it is important for Ordinance clarification of the statues for proper procedure.

Mr. Kimmel then stated that according to Roberts Rules section 131 page 94, in response to a call the question, it only requires a simple majority.

Mr. Miklave appealed this ruling and requested to overrule the call to the question.

Mr. Hempstead asked for a roll call vote on this appeal.

**** THE APPEAL FAILED WITH FIVE VOTES IN FAVOR (IGNERI, MIKLAVE, WATTS, DULEEP, PENA) AND NINE OPPOSED (MAGGIO, MANN, GEAKE, KYDES, KIMMEL, MCCARTHY, HILLIARD, BONDI, PETRINI).**

Mr. Hempstead asked for a roll call vote on the Call to the Question to end the debate.

**** THE MOTION TO CALL TO QUESTION TO END THE DEBATE PASSED WITH NINE VOTES IN FAVOR N (MAGGIO, MANN, GEAKE, KYDES, KIMMEL, MCCARTHY, HILLIARD, BONDI, PETRINI) FIVE OPPOSED (IGNERI, MIKLAVE, WATTS, DULEEP, PENA) AND NO ABSTENTIONS.**

Mr. Hempstead asked for a roll call vote on resolution.

**** THE RESOLUTION FAILED WITH FIVE VOTES IN FAVOR (IGNERI, MIKLAVE, WATTS, DULEEP, PENA) AND NINE OPPOSED (MAGGIO, MANN, GEAKE, KYDES, KIMMEL, MCCARTHY, HILLIARD, BONDI, PETRINI).**

Other

Mr. Hempstead reminded the Council about the Mayor's Ball and stated that it was for a good cause for Norwalk residents.

Mr. Hempstead reminded the Council of upcoming events relating to Martin Luther King day including the concert and programs by local faith leaders.

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**JANUARY 8, 2013
REGULAR MEETING MINUTES**

Mr. Hempstead stated that he wanted to set up a meeting with both the Majority and Minority Leaders to discuss Council rules and procedures. Mr. Miklave added that training on FOI and Ethics and other housekeeping items was requested and this should be scheduled.

Mr. Hempstead announced that Mr. Kimmel has signed the paperwork to change his affiliation to the Republican Party. Mr. Peña congratulated Mr. Kimmel.

ADJOURNMENT

**** MR. MCCARTHY MOTIONED TO ADJOURN.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Marilyn Knox,
Telesco Secretarial Services