

Common Council Actions

COMMON COUNCIL

ACTION

NOVEMBER 26, 2002

NORWALK, CONNECTICUT 8:30PM 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.

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, November 26, 2002 in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex Knopp called the meeting to order at 8.30pm and led the assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

- | | |
|----------------------|--------------------|
| Betsy Bain
Sawyer | Jeanette Olmstead- |
| Kenneth Baker | Christopher Perone |
| Fred Bondi | Kevin Poruban |
| Barbara Hudgins | Judith Rivas |
| William Krummel | Douglas Sutton |
| Bruce Kimmel | Peter Wien |
| Joseph Mann | William Wrenn |
| Matthew Miklave | |

Fifteen (15) members were present at Roll Call.

II. ACCEPTANCE OF MINUTES

A. Regular Meeting November 12, 2002

** **MR. BONDI MOVED APPROVAL OF THE MINUTES AS AMENDED.**

The following corrections were made:

Page 3, last paragraph, correct the spelling of Haitian.

Page 4, first line, correct to Mrs.

Page 6, first statement under the approval, delete the word forum.

Page 8, correct to CL&P throughout.

**** MOTION PASSED THIRTEEN (13) VOTES IN FAVOR,
TWO ABSTENTIONS (MR. KIMMEL, MR. SUTTON) BY VOICE
VOTE.**

III. PUBLIC PARTICIPATION

There were no public speakers this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

1. **Resignations:** Robert Keyes, Norwalk Parking Authority

Mayor Knopp announced the resignation of Robert Keyes and said he was never actually sworn in due to an error in the Mayor's office; he apologized for the error.

B. REMARKS

Mayor Knopp read the Thanksgiving proclamation from Governor Rowland; he wished everyone a very happy Thanksgiving.

Mayor Knopp referred to an article recently published in the newspaper regarding a settlement against the taxing service in Westport for \$1 million. He said what was not mentioned in that article was that Norwalk was a defendant in that case and could have been held liable. Due to the expert legal intervention of Mr. Louis Ciccarello, the case against Norwalk was dismissed. Mayor Knopp wished to commend Mr. Ciccarello for his excellent legal representation.

V. COUNCIL PRESIDENT

CONSENT CALENDAR

Mr. Mann read the following to be included on the Consent Calendar.

VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

1. Authorization to settle claim: Christopher Roos v. City of Norwalk.

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Norwalk Exchange Club to use Taylor Farm for their annual Antique Auto Show on April 27, 2003 from 9:00am - 5:pm. Set up on Thursday, April 24, 2003 6:00-10:00pm. Rain date of May 4, 2003. Estimated attendance 1,000+.
1. Authorize the Mayor, Alex A. Knopp, to execute an amendment to the Crystal Theatres' lease for Ben Franklin Center to include: revised building design, cost estimate and time schedule.

A. PUBLIC HEALTH & WELFARE COMMITTEE

- 1a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the State of

Connecticut for the Cardiovascular Health Program for the period October 1, 2002 to June 30, 2005.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements, documents, instruments or amendments as may be necessary to implement the Cardiovascular Health Program for the period October 1, 2002 to June 30, 2005.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

2a. Authorize the Mayor, Alex A. Knopp, to execute a contract with Raymond Weiner LLC d/b/a All Phase Construction to install a perimeter underground drainage system to connect roof drains at Lockwood Mathews Mansion Museum for a total not to exceed \$12,850.00. Acct. # 09006310 5777 C0186

2b. Authorize the Historical Commission to issue change orders on contract for a total not to exceed \$1,285.00.

1. Authorize the Mayor, Alex A. Knopp, to execute amendments to Keystone House Inc.'s lease agreements for the Lockwood House and for the first floor of the Health Department Building to renew the leases for one year with option to renew for 4 additional years subject to the City correcting the building mechanical problems. All remaining terms of the agreement to remain unchanged.

**** MR. MANN MOVED APPROVAL OF THE CONSENT ITEMS.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

B. OTHER GENERAL COUNCIL BUSINESS

1. Election of Council President

Mr. Mann said they would be electing the Council President.

Mayor Knopp asked if there were any nominees.

**** MR. MANN MOVED TO NOMINATE
MATTHEW MIKLAVE AS COUNCIL PRESIDENT
FOR A PERIOD OF ONE YEAR.**

Mr. Mann stated that Mr. Miklave is a young man with a plan who has distinguished himself before this Body and the public as being one of the most committed and focused on his responsibilities as a public servant. He said after being on the Common Council for one year Mr. Miklave has demonstrated excellent leadership qualities, the capacity to work respectfully with his colleagues, the Mayor, the City department heads, the public and members of City Boards and Commissions on a wide array of issues that are important to the advancement of City government. Mr. Mann continued to say that his leadership in the City Planning Committee has been outstanding particularly in light of the complicated and significant issues that have been before him. Mr. Mann added that Mr. Miklave has a unique skill of asking the right questions at the right time and has proved not to be bashful in doing so. On the same hand he has shown that he possesses the intellectual ability to process a great amount of information quickly and thoroughly to come up with a result that is both reasonable and thoughtful.

Mr. Mann concluded by saying that they all be well served by voting Mr. Miklave to the leadership position and that he will make an excellent president of this great Body.

Mayor Knopp asked if there were any other nominations. There were none, Mayor Knopp declared the nominations to be closed.

**** THE MOTION PASSED FOURTEEN (14)
VOTES IN FAVOR, ONE OPPOSED (MR. KIMMEL)
BY VOICE VOTE.**

2. Announcement of Majority

Leader

Mr. Miklave announced the appointment of the Majority Leader for the next term to be Mr. William Wrenn.

Mayor Knopp welcomed Mr. Miklave to his new-distinguished service on the Water Pollution Control

Authority and thanked Mr. Mann for his service on this authority.

**3. Committee
Appointments/Changes**

There were none this evening.

VII. COMMON COUNCIL COMMITTEES

**A. RECREATION, PARKS & CULTURAL
AFFAIRS COMMITTEE**

2. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Omar Cruz to provide administrative and coaching services for the Zeus Swim Team for a 1-year period October 15, 2002-October 15, 2003 for a sum not to exceed \$36,000.00(\$3,000 per month).

**** MR. BONDI MOVED APPROVAL OF THE
ITEM.**

Mr. Kimmel asked Mike Moccoaie, the Director of Parks and Receptions, how many members are on the swim team. Mr. Moccoaie stated that currently the Zeus Swim Team has 65 members.

Mr. Kimmel said after looking at the backup material, he noticed that there are approximately 16 practices a week and added that there was very limited pool space; he asked how they are able fit all these practices in. Mr. Moccoaie said they have been doing morning practices as well.

Mr. Kimmel asked if the practices are restricted by particular groups. Mr. Cruz the coach of the swim team stated that they have three groups that practice. The less experienced that are eight years old and younger, eight to twelve years olds and thirteen year olds and older; he added that there is some overlapping.

Mr. Kimmel asked about travel expenses that may be involved. Mr. Cruz said as this is their first year he was unable to give an accurate answer.

Mr. Kimmel said he was really pleased that the kids are getting the swim training they need and applauded the initiative of Parks and Receptions. He suggested the possibility of building a new indoor/outdoor complex that could also be used as an ice-rink during the winter months.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

3. Authorize the Purchasing Department to issue Purchase Orders for the purchase of historical style light poles from North East Electrical Distributors for Cranbury Park for an amount not to exceed \$17,024.30. Acct. #09036030 5777 C0262

**** MR. BONDI MOVED APPROVAL OF THE ITEM.**

Mr. Kimmel stated that Cranbury Park always comes up one way or another with regard to lighting; he said he was concerned with the lighting at night and how they would prevent cars going into the park at night. He said that young adults congregate in that area and asked if the addition of the lights would encourage them.

Mr. Mocciae stated that the lights are going to be along the main driveway. The purpose for that is safety because there is a lot of use for the facility in the evening hours. He said as far as making it more conducive for kids to hang out, there would be a small set of lights before the double gates to light up the entrance that will make it a little safer at the intersection but most of the lights are behind the locked gate (it is locked at 8pm).

Mr. Kimmel referred back to a traffic summit regarding the intersection and asked if that had been addressed. Also, as they had decided to spend money on lighting, he asked what the position was with proposal to turn the Carriage House into a theater.

Mr. Mocciae replied that no funds have been raised yet.

Mr. Wrenn said if the lights are on timers would the lights go out after an event. Mr. Mocciae said the lights would stay on until 11pm at the latest.

Mr. Wrenn asked what would happen when there is no event. Mr. Mocciae said there had to be some consistency, however there will be no events during the winter months, therefore the lights will be off by 8pm until February/March.

Mr. Kimmel asked how the lights would affect the neighbors. Mr. Mocciae stated that this had been taken into consideration and baffles had been attached to the lights and also the lights are directed at the paved area.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

4a. Authorize the Mayor Alex A. Knopp, to execute a contract with G.C. Construction Company, LLC for the exterior renovation of the Calf Pasture Beach Concession Building for a total not to exceed \$276,000.00 Acct. # 09036030 5777 C0069

4b. Authorize the Director of Recreation and Parks Department to issue change orders n contract for a total not to exceed \$27,600.

**** MR. BONDI MOVED APPROVAL OF THE ITEMS.**

Mr. Bondi said he thought this bid had come in very favorably. He said this had been bid out previously in the year and had come in very high now they had changed the specs for the exterior only and they would get concessionaires to come in, renovate the interior and take over the concession. Mr. Bondi said they have a lot of expectations that this will take place and said this will be a gem in the park; he added that this is just a start to a lot more ideas that they have for the Calf Pasture Beach.

Mayor Knopp asked Mr. Moccaie if there is a time deadline on when this bid has to be accepted. Mr. Alan Lo replied that typically it is a 60-90 day standard bid package.

Mayor Knopp said he had asked this question because it would be his intention not to execute this contract until they know if there is contractor to take over the operation of the restaurant and to re-design the interior. He said he did not want a situation where they have approved the construction of the exterior and then there is nobody to operate the interior.

Mr. Moccaie said they had considered this fact, however time is of the essence as they have two strong proposals that they hope to renew next week. He said it actually worked out to their benefit to re-bid the project again because after some thought they could not renovate the interior if the restaurant owners are going to be put in the wrong touches. Mr. Moccaie said their goal is to have somebody in there by Memorial Day; he said they do need a façade improvement.

Mayor Knopp asked if there was time to review the proposals for the interior before the time period of the bid for the exterior. Mr. Moccaie replied that there would be.

Mr. Wien asked about the theme of the interior compared to the exterior. Mr. Moccaie stated there would be no architectural change to the exterior theme, maybe some minor modifications such as heated space; but the overall look will stay the same.

Mr. Wien asked if the vendor would be responsible for the modifications. Mr. Moccaie replied that they would.

Mr. Kimmel said he had seen some renderings some years ago that were very nice and asked if they intended to use those same renderings. Mr. Moccaie said they planned to use the renderings; there was no change.

Mr. Kimmel said with that look did Mr. Moccaie feel comfortable having the basketball courts so close by and would that deter a vendor from looking at renovating the interior. Mr. Moccaie said they are talking of re-orientating the basketball courts.

Mr. Kimmel asked if they planned to ask for money out of this year's capital budget for the parking lot for Calf Pasture Beach. Mr. Moccaie said they did.

Mr. Kimmel continued to say that there are a lot of issues and things to be done to the park and he understood that they could not do everything at once, however to compromise and do some of the cosmetic changes should be discussed.

Mr. Wrenn said he noticed that references have not yet been checked; he asked if they would check the references of the lowest bidder. Mr. Moccaie said they checked all the current references.

**** THE MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

6. Approve the use of Taylor Farm and Veterans Park July 10 from 7:00am through July 11, 8:00pm 2004 by the "Commemoration of the Conflagration" 225 Anniversary of the Burning of Norwalk Committee. The event is a re-enactment of the burning of Norwalk, Estimated attendance 1,000+

**** MR. BONDI MOVED APPROVAL OF THE ITEM.**

Mr. Bondi explained that this is a re-enactment of the Burning of Norwalk.

Mr. Kimmel said he wished to commend Peter Bondi and Linda Hayes for their work. He said he was going to vote against this, as he believed they should commemorate history but he did not think it was appropriate to re-enact the death and destruction.

**** MOTION PASSED FOURTEEN (14) IN FAVOR, ONE OPPOSED (MR. KIMMEL) BY VOICE VOTE.**

A. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute a license agreement with Mutual Security Credit Union, Inc. to install and to maintain an ATM machine in the first floor lounge of Norwalk City Hall. Mutual Security Credit Union, Inc. in cooperation with The Greater Norwalk Area Credit Union will provide surcharge-free access for both credit union members, for a trial period of one year.

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel stated that the Land Use and Building Committee had considered this proposal at some length; the initial proposal was to have the ATM located in the main foyer of City Hall but they felt that an ATM is a vending machine and did not properly belong in the City Hall. He said they had suggested that the ATM be located in the first floor lounge of City Hall as a convenience to the public having to draw cash on an immediate basis to pay tax bills etc. Mr. Krummel said the Committee did feel that it would be appropriate to have a one-year trial period in which to determine a fee for the ATM.

Mayor Knopp asked if it was necessary to include the location of the ATM in the motion. He said one of the benefits of having the ATM in a more open place would be for security reasons; he said if an assault was going to take place it would be less likely to happen in the main foyer with many people walking about as opposed to having it located in the first floor lounge where it is out of view. Mayor Knopp asked if the matter had been discussed with the police.

Mr. Krummel said that some of the Committee members felt very strongly that an ATM is a vending machine and it would be inappropriate to have such a machine in a dignified and commercial free area such as the foyer of City Hall. He added that they had not discussed the matter with the police.

Mayor Knopp asked if the ATM was to be located near a place where bagels, newspapers, coffee is sold would be inappropriate.

Mr. Krummel said he did look at that area himself and said there is a space in the alcove (where the newspapers etc. are sold) where it might go.

Ms. Bain stated that a numbers of issues have been raised, fees, location, conferring with the police department and suggested that the item be referred back to Committee.

**** MS. BAIN MOVED TO REFER THE ITEM (VII. C.1.) BACK TO COMMITTEE.**

Mr. Wien agreed with Ms. Bain in that it should be referred back to Committee for further discussion.

Mr. Mann stated that he agreed and that there should be more discussion on whether it should be competitively bid or not; he said he thought it should be.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

4. Authorize the Purchasing Department to issue Purchase Order to The Dell Computer Company to purchase laptop computers, mobile carts and access points for mobile computer classrooms for an amount not to exceed \$291,952.00. Mobile computer classrooms will

serve Brookside, Cranbury, Marvin, Silvermine, Columbus, Kendall, Rowayton and Tracey Elementary Schools. Acct # 09035010 5777 C0112

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Poruban said that it was identified that external speakers were part of the bid; he asked Mr. Craig Reichenbach if they would be removed. Mr. Reichenbach said they would be; he had spoken with Dell directly and there would be no problem with the removal.

Mr. Poruban asked when the laptop computers would get into the classrooms. Mr. Reichenbach said if they get them within the next 15-30; days they have a tentative schedule for installation for the first two weeks of February.

Mr. Kimmel asked what kind of training would be provided. Mr. Reichenbach said they didn't really handle the training; it is handled through the Curriculum Department. He said what he intended to do was to set up a series of demonstrations in the classes for the teachers so they can see how to put them into the cart, how to charge and how to take them out either before or after school.

Mr. Wrenn asked what the main determination was for choosing this bid. Mr. Reichenbach said of course the lowest bidder was considered but the main factor was that Dell met their specifications most closely.

Mr. Wrenn asked if it had been a preference to have a PC as opposed to a Macintosh. Mr. Reichenbach said it did not matter what platform they used; Macintosh had not been able to provide a machine that could provide a battery that would last much more than three hours and there was not the technology to put multiple batteries into one unit. Mr. Reichenbach stated that their major concern was having the computers in the classroom for up to six hours without having a lot of movement.

Mr. Wrenn asked if the laptop computers were heavy. Mr. Reichenbach said he had weighed a machine in anticipation of that question and said they weighed 7 lbs 8 oz with the two batteries; he said they were heavy enough for the children not to move them around.

Mr. Perone asked why it was necessary for six hours, not three. Mr. Reichenbach said it is their intent that the laptops get set up in the morning and be left there for the whole day so as little time as possible would be taken away from teaching time.

Mr. Wien asked what the lifespan of the batteries. Mr. Reichenbach said they do eventually burn out and they are estimated at \$90 per battery. He said he expected the batteries to last for at least a year.

Mayor Knopp asked if there were any bidders that did not include external speakers in their proposal. Mr. Reichenbach said there were not.

Mayor Knopp thanked Mr. Reichenbach. Mr. Opdahl and the other people who have worked on the bids.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

5. Authorize the Land Use and Building Management Committee/School Building Committee to issue change orders on contracts for the Norwalk High School, Marvin School, Fox Run School, Cranbury School, Columbus School, Rowayton School and Tracey School roof replacement project for an additional amount not to exceed \$70,310.20. Acct # 09035010 5777 C0259.

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel stated that the motion needed to be amended.

**** MR. KRUMMEL MOVED TO AMEND THE MOTION BY CHANGING THE ACCOUNT NUMBER FROM CO259 TO VARIOUS.**

**** AMENDMENT PASSED UNANIMOUSLY.**

Mr. Kimmel stated that he has abstained from this during Committee as he was, and still is not sure where this \$70,310.20 comes from and he would like some clarification.

Mr. Opdahl said there are several codes that they have been pulling funds from and the way they are approaching some of the other projects have changed. He said they had money in the roofing accounts and their attempt is to do roofing design work for at least four buildings next year but Kendall has a separate allocation for design work that is in excess of what they are going to use. Mr. Opdahl said their approach is to draw down on that account instead of having a separate appropriation; he added that this would not hinder any work at Kendall.

Mayor Knopp said, while this was listed as a change order, in fact additional work was added on because of a discovery of more severe deterioration, especially at Fox Run, that had necessitated more work.

Mr. Opdahl said the section of new roofing at Fox Run School is fine, however the fascia and the soffit has interior sheet rock covering it and it has to be torn off; he added the roof was completed in 1996.

Mayor Knopp said when they did the original proposal for the seven roofs they issued an allowance for change orders that was set at \$100,000; and today they are approving an increase in an amount of \$70,000 and the bulk of this (\$43,000) is not a change order it is for an addition that had to be replaced.

Mr. Opdahl added that on some of the other change orders they are not specifically roof orientated; they are for siding, brick work etc; he said the money for this was taken out of priority grant fund.

Mr. Krummel said when there is a change order for an additional item for construction work, there is an automatic assumption that they take 10% of the construction cost for the not to exceed change orders. He said in the case of the roofing project, they authorized only \$100,000 which is only 2½% of the total cost of the project and with the increased amount this will come up to 4.1% of the total project so that is still much less than the conventional 10%.

**** MOTION AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE.**

6. Approve to include Board of Education staff overtime costs for off-hour maintenance and to provide building access during construction as part of the roof replacement projects for Norwalk High School, Marvin School, Fox Run School, Cranbury School, Columbus School, Rowayton School and Tracey School, for a total amount not to exceed \$28,736.15. Acct. # 09035010 5777 C0259

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel stated that he would like to amend the motion.

**** MR. KRUMMEL MOVED TO AMEND THE MOTION BY CHANGING THE ACCOUNT NUMBER FROM C0259 TO VARIOUS.**

Mr. Kimmel stated that they have been doing a lot of projects and he said they have to look at that, the recurring costs and ways to minimize them.

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

Mayor Knopp asked Mr. Opdahl what the probable reimbursement portion of this. Mr. Opdahl said it should be at 34%.

Mr. Wrenn asked why Norwalk High School has much higher costs. Mr. Opdahl said there were a number of reasons. Silk Town did a lot of their work on Saturdays and Sundays the other thing was they had to maintain that building while the work was going on with air conditioning and put some additional controls on the system. He added that this is an on-going problem but was looking at ways to modify it.

Mayor Knopp said he thought it was the right decision to fix seven leaking roofs; they were all done on time and mostly on budget so kids don't have to sit in puddles, walk on moldy carpets and throw away mildewed books. He said the fact that it took additional overtime is well worth it.

**** MOTION AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE.**

7. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Fusco Corporation's construction management contract for Brookside School Replacement Project to include additional Scope of Services beyond their contracted services, for abatement of hazardous materials for a total amount not to exceed \$46,120.00. The Guaranteed Maximum Price (GMP) shall be adjusted accordingly. Acct. # 09035010 5777 C0171

**** MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Krummel said there were three cases that were covered by change orders in this situation. Two were for asbestos material that was found after the project had started and a third instance of lead based paint that was found after construction had started. He said these items were not covered in the GMP that they had negotiated with Fusco, therefore adding to the GMP.

Mr. Kimmel said asbestos is tricky and there is nothing they can do about it. He asked what would happen when they go to other sections of the school. Mr. Opdahl said the last change order covers not only the current area they are working on but it also looks forward into other areas. He explained where the asbestos had been found in the past and explained that it is currently in brick that has to be removed and shipped out to Pennsylvania.

Mr. Kimmel referred to the lead based paint; he asked why this was not detected earlier. Mr. Opdahl said he wished he could answer and agreed that it should have been found at an earlier time; regardless the removal will still have to take place.

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

VIII. **RESOLUTIONS FROM COUNCIL MEMBERS**

There were none this evening.

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

There were none this evening.

X. **SUSPENSION OF THE RULES**

There were none this evening.

XI. **ADJOURNMENT**

** **MR. MIKLAVE MOVED TO ADJOURN.**

** **MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting was adjourned at 9.55pm.

ATTEST: _____

Pam Stark, City Clerk

