

Common Council Actions

COMMON COUNCIL

ACTION

DECEMBER 10 , 2002

NORWALK, CONNECTICUT 8:00PM 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, December 10, 2002 in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex Knopp called the meeting to order at 8:15 p.m. and led the assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

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

Fifteen (15) members were present at Roll Call.

II. ACCEPTANCE OF MINUTES

A. Regular Meeting November 26, 2002.

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

The following correction was made:

Page 9, 2nd paragraph, "Mackintosh" should be spelled without a "k" MacIntosh

**** MOTION PASSED WITH (15) VOTES IN FAVOR BY VOICE VOTE.**

III. PUBLIC PARTICIPATION

There was no public participation.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

The Mayor said that the City has been fortunate to have dedicated employees in the past years. Sonja Devitt will be retiring January 31, 2003. He anticipated that Ms. Devitt will attend the January meeting before she leaves her position.

Mr. David Davidson will not seek another term as Chairman of the Board of Estimate, but will remain on the Board as an active member.

A. REMARKS

The Mayor commented on the negative effect the financial cuts the Governor has made will have on Connecticut cities. The LCIP grant has been withdrawn that will cause a problem in financing road work in the City and throughout the State. The cuts in the priority school district grant will cause a gap in various programs in the City school system. These grants have a strong impact on children starting with Grade K. The program for general assistance will affect the urban families more so than the suburbs. This grant being cut will deny medical assistance to inner-city residents. These individuals will now go to the clinics and hospitals thus transferring responsibility to the City. He stated that this transfer of responsibility is totally unacceptable.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

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

V. **REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS**

A. **BOARD OF ESTIMATE & TAXATION**

1. RESOLVED, that as sum not to exceed \$10,000 be and the same is hereby transferred from Contingency to the Building Management Department for building repairs and miscellaneous renovations. Acct. #01-4910-5561.

V. **COMMON COUNCIL COMMITTEES**

A. **FINANCE COMMITTEE**

1. Approve Resolution Authorizing the Issuance and Sale of not exceeding \$10,000,000 Norwalk Parking Authority Lease revenue Bonds (Maritime Center Garage Project), Series 2002.

A. **PLANNING COMMITTEE**

1. Approval of a Request from the Redevelopment Agency to the Common Council for an extension of the time for the use of the power of eminent domain to acquire the following properties:

Maritime Ventures LLC, 51 West Avenue; 31 Putnam Avenue extension

date February 27, 2003

A. **CORPORATION COUNSEL**

1. Add a settlement of a claim brought by Mr. White against the City of Norwalk.

B. **OTHER GENERAL COUNCIL BUSINESS**

Mr. Miklave announced that the December 24, 2002 Common Council meeting is cancelled.

VII. **COMMON COUNCIL COMMITTEES**

B. **FINANCE COMMITTEE**

Mayor Knopp asked Mr. Kimmel to address the three amended resolutions for Item VII. B.3 - Finance Committee in lieu of the documents included in the Councilmen's package as the item to be acted upon.

**** MR. KIMMEL MOVED TO ADOPT THE THREE AMENDED RESOLUTIONS SUBMITTED FOR ITEM VII.B 3 BE APPROVED RESOLUTIONS IN LIEU OF AN ORDINANCE AS PRESENTED IN THE ORIGINAL PACKAGE FOR ITEM VII.B.3.**

Mr. Dave Panico stated the change in the document is that the word "ordinance" was changed to "resolution." There was no need to follow the wording of an ordinance in this instance.

Mr. Kimmel commented that it is not simple to finance garages, as the insurance is very high. It has been recommended that the City use Lease Bonds for this project. This process will keep the project off the operating books and will not diminish the city's capacity to borrow for other projects.

Mr. Miklave asked whether the lease bond arrangement had been used in Connecticut on a previous occasion.

Mr. Miller stated that it has not been practiced elsewhere in Connecticut.

Mr. Dick Thivierve, an insurance underwriter, spoke to the lease bond process. The structure has not been widely used in Connecticut, but variations of it have been done in other parts of the country. Lease payments would be used to pay the debt versus general obligation bonds as the security.

Mr. Miklave asked whether the payments would be made by a single garage or multiple garages in the City.

Mr. Thivierve stated the money will be paid by the Maritime Center garage. The City will actually be paying the debt and these payments would be subject to annual appropriation.

Mr. Miller explained the financing process that would include all of the parameters that will enable the garage to be built and insured with the requirements as noted in the entire document under which this project is defined.

Mr. Miklave asked specifically for the increased cost involved.

Mr. Miller stated it would be in the ballpark of \$150,000. The hope is to make the garage a self-sufficient operation. Excess revenues should be generated in 2004. The focus is to keep this project off the books as self-sufficient.

Ms. Bain asked whether the parking rates were to be approved that were attached to the resolution.

Mr. Thivierve stated that was so and these rates could be adjusted at any time after the garage is completed as required.

Mr. Miller stated that there are preliminary numbers, which had to be plugged into the resolution as placeholders.

Ms. Bain asked whether these fees will make the garage self-sufficient.

Mr. Miller stated it was never put forward as a self-sufficient project, but to show that the parking system can work in Norwalk. The budget is being developed to minimize any deficiencies in the coming years. Later on the facility will be self-supporting, but not in this fiscal budget year.

Mr. Wien inquired how the bond process is working.

Mr. Thivierve stated it is working well. Another project was done in the northern portion of the state and it is working well using this bond approach.

Mr. Wien inquired about the possible acquiring of bond money against this project.

Mr. Miller stated that the State has granted Norwalk a \$20 million bond of which \$10 million has been allocated due to the Spinnaker project and others.

The Mayor stated that the City feels confident that this funding is going to be forthcoming.

Mr. Wien asked what would happen if it did not come to the City as promised.

Mr. Miller stated that if the bond does not come through, the City would have to find other funding. He further said that the issue could be easily addressed when the bond funds are considered in early spring.

Mr. Wrenn asked what would be difference if we carried as a revenue bond.

Mr. Miller stated that that type of bond could not be obtained.

Mr. Thivierve stated that new garages are difficult to finance and insure. It could not be sold if we try to do a straight revenue bond.

Mr. Krummel noted that the lease rental agreements must be approved by the Council Common over a 25-year period.

Mr. Miller responded that the insurance is difficult to find on such projects.

Mr. Thivierve stated that once a general obligation bond is obtained everything is locked in. But this is a lease and not a general obligation and subject to annual appropriation, thus creating the risk.

Mr. Krummel noted that there is an additional rent clause, which seemed to contradict that which the City is obligated to do in the arrangement.

Mr. Thivierve stated the additional rent is for miscellaneous items, such as a trustee fee, which the City would be responsible to pay. If the bond money is not spent quickly from investments, the City would be responsible for any fees or penalties. The Parking Authority is not responsible.

Mr. Miklave stated there was no rate fee for Maritime Aquarium patrons noted in the documentation.

Mr. Miller stated that these numbers are placeholders and it is expected that the Parking Authority will set the rates.

Mr. Thivierve stated that the Maritime Aquarium is a private user of the garage and it is the intent not to privatize the garage. The parking spaces in the garage must be on a schedule for all users, not a specific contract.

Mr. Krummel asked what the cost would be to the City in the coming years for the lease payments.

Mr. Panico stated the first three semi-annual payments will be financed from set-aside money from capitalized interest. The City will not have to make interest payments in the first 18 months. This is designed to get the City through the construction phase until the garage is making revenue to pay for the cost.

**** MOTION TO ACCEPT THE THREE AMENDED RESOLUTIONS PASSED UNANIMOUSLY.**

- 3. Approve and adopt the attached 'RESOLUTION OF THE CITY OF NORWALK AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$10,000,000 NORWALK PARKING AUTHORITY LEASE REVENUE BONDS (MARITIME CENTER GARAGE PROJECT), SERIES 2002, and authorize the Mayor, Alex A. Knopp, and the Finance Director, Jack Miller to execute and deliver all documents needed on behalf of the City of Norwalk in connection with the issuance and sale of such bonds.**

- 3. Authorize the Mayor, Alex A. Knopp, to execute the Ground Lease by and between City of Norwalk and Norwalk Parking Authority Relating to the Maritime Center Garage whereby the Parking Authority will lease from the City the real property on which the Maritime Center Garage will be built in order to acquire, install, construct and improve the parking Garage facility on such property.**

4. **Authorize the Mayor, Alex a. Knopp, to execute the Lease Agreement by and between Norwalk Parking Authority and City of Norwalk Relating to the Maritime Center Garage in order to provide for the lease back of the Maritime Center Garage Project and the financing of the construction of the Garage Project by the issuance of revenue bonds. Under the Lease the Parking Authority will lease the Garage Project to the City based on specific terms set forth therein.**

**** ADOPTION OF THE RESOLUTIONS PASSED BY (15) VOTES IN**

FAVOR.

VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

2. **RESOLVED, that a sum not to exceed \$1,300,000 be and the same is hereby transferred from the Operating Budget to the Capital Budget to pay for paving expenses. Acct. #09 0340 21-5777-C0283.**

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

Mr. Kimmel explained why this money was in the Operating Budget for paving and not in the Capital Budget. He stated this change will relieve some of the pressure in the Operating Budget, as funding is not forthcoming this year. This was done in the nineties as a past practice.

Mr. Krummel asked if this would affect the ability to proceed with the school construction activity.

Mayor Knopp and Mr. Kimmel confirmed that the school construction would not be affected.

Mayor Knopp noted that when the State encountered problems in the seventies, it eliminated many road projects, which cost lives with the Mianus bridge collapse. The reduction in maintenance, which does not become apparent until there is a crisis, allows the roads to deteriorate and create major repair/replacement.

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

3. **RESOLVED, that a sum not to exceed \$6,444,524.00 be and the same is hereby transferred from Excess Funds in the Capital Fund to Revenues in Debt Service Reimbursement for the Maritime Center Bonds in the Operating Fund to pay Debt Service for the current February 1, 2003 payments plus advance payment of Future Debt Principal for the Maritime Center Authority of the City of Norwalk Refunding Bonds 1992 Series. Acct. #01-8030-4824.**
4. **RESOLVED, that a sum not to exceed \$6,444,524.00 be and the same is hereby transferred from Increased Estimated Revenues to Debt Service – Maritime Center Bonds. Acct. #01-8030-5521.**
5. **RESOLVED, Authorize the Advance payment of Maritime Aquarium City of Norwalk Refunding Bonds 1992 Series on February 1, 2003. The future year's principal is \$5,485,000.00 and the premium for early payment is \$109,700. Acct. #01-8030-5521.**

**** MR. KIMMEL MOVED APPROVAL OF THE ITEMS AS A BLOCK.**

Mr. Kimmel spoke about the reasons for the funds being transferred into the accounts. The money in the Capital Fund is making a small amount of money and the money should be used to the advantage of the City and its taxpayers by moving it out. Item number 5 does not include capital payments. This move will alleviate pressure on the operating budget through 2010. The savings will be a boost to taxpayers.

The Mayor spoke to the additional benefits of these transactions.

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

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

1. **Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Community Banner Services, Inc., to provide for the installation, removal and maintenance of aesthetic community banners on traffic signal poles in select locations throughout the City of Norwalk at no cost to the City and to provide the City 5% of gross royalties. The design of the banners is subject to a Mayoral appointed Banner Committee to develop a theme and determine appropriate spacing.**

**** MR. PERONE MOVED THE ITEM.**

**** MR. PERONE AMENDED THE MOTION TO READ AFTER CITY OF NORWALK IN LINE FOUR "...AS AUTHORIZED BY THE TRAFFIC DEPARTMENT"; AND IN THE LAST LINE REMOVE "DEVELOP" AND SUBSTITUTE "APPROVE."**

**** AMENDMENT APPROVED UNANIMOUSLY.**

Ms. Bain said she was not in favor of approving this motion, as the previous banner program was not presented to the Council prior to the posting of them about the City.

Mr. Perone suggested having someone on the committee with a strong graphic background to assist in selecting the theme of the banners. He stated that the previous banners were not so attractive nor were they easy to read.

Mr. Kimmel asked whether the 5% royalties offer was available in the first banner program.

Mayor Knopp stated it was not available then.

Mr. Kimmel stated that the previous committee lost an avenue for revenue gain for the City in not presenting the option.

**** RESOLUTION PASSED AS AMENDED WITH FOURTEEN (14) VOTES**

IN FAVOR, ONE OPPOSED (MS. BAIN).

2. **Authorize the Mayor, Alex A. Knopp, to execute an Agreement with D.W. Transport and leasing, to provide Leaf and Yard Waste Hauling Services for a term of three years for a sum not to exceed \$1,097,544.66 for the full term beginning January 1, 2003 through December 30, 2005 and for a sum not to exceed \$182,924.11 for FY 2003-03 (6 months of a full calendar year). Acct. # 01 40 42 5299**

**** MR. PERONE MOVED THE ITEM.**

Mr. Perone stated that D.W. Transport provided the lowest bid of three bidders on this project. The Committee recommends that D.W. Transport be the designated vendor.

**** MR. PERONE MOVED TO CHANGE THE DATE OF 2003-03 TO**

2002-03.

**** AMENDMENT APPROVED UNANIMOUSLY.**

**** MOTION APPROVED UNANIMOUSLY BY VOICE VOTE.**

3. **Authorize the Mayor, Alex A. Knopp, to execute an Agreement with Losito Electrical Contractors, Inc., to install a Crosswalk Warning System at the Norwalk Community College, for a sum not to exceed \$8,500 (City's share of the total project. Acct.# 0140 24 5343**

**** MR. PERONE MOVED THE ITEM.**

Mr. Perone stated that this is a system designed for the safety of the pedestrians and is more visible to the oncoming traffic.

Mr. Krummel inquired about the two figures that were submitted by Losito of \$17,000 and \$8,000.

Mr. Grumman stated that the share between the college and the City would be half of the amount of \$17,000. The intent is to have two rows of lights on either side of the cross walk.

Mr. Bondi expressed this has been a long time coming and will provide safety for students which does not exist. This is the second best way since there are no funds for a bridge from one campus to the other.

Mr. Wrenn stated he is not in support of the item, as the State should be putting in the traffic control. He stated that the college is a state function and it should be paid for by the State.

Mr. Krummel inquired whether signs that are being removed will affect the directions to motorists.

Mr. Grumman said only signs that are not relevant will be removed.

Mayor Knopp stated that he spoke with officials of the college previously. The State would not authorize a light at this point, as there is one at West Cedar and Richards Avenue already.

**** MOTION PASSED WITH FOURTEEN VOTES IN FAVOR AND ONE**

OPPOSED (MR. WREN).

4a. AUTHORIZE THE MAYOR, ALEX A. KNOPP, TO EXECUTE AN AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER, FOR PROJECT NO. ENV 2000-2, PROPOSED WETLAND RESTORATION AT WILSON COVE, FOR A SUM NOT EXCEED \$.

4b. AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO ISSUE ORDERS ON CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, FOR PROJECT NO ENV 2000-2, PROPOSED WETLAND RESTORATION AT WILSON COVE, FOR A SUM NOT TO EXCEED \$. ACCT. #09 00.03 40 31 5777 C0082 (BIDS TO BE OPENED DECEMBER 9, 2002 FOR THE COMMON COUNCIL MEETING).

**** MR. PERONE MOVED ITEMS 7A.4A and 7A.4B.**

Mr. Perone amended the wording "lowest responsible bidder" to read "Real Life Improvement, Inc." at an amount of \$192,875.00.

Mr. Perone stated that this is to install a pipeline to feed the salt water back into the Sound.

Mr. Bondi asked whether this bidder had ever performed work for Norwalk, it seems to be unknown to him.

Mr. Grumman stated that they sent in a reference list of their accomplishments and locations. Their credentials seemed to be very good.

Mr. Krummel noted that the low bidder is quite low on some of the piping work compared with the second low bidder. He questioned whether the quality would be diminished.

Mr. Grumman stated there will be a full-time inspector on the project to see that the piping meets Norwalk's specification. The State has an interest and will be on site as well.

Mr. Kimmel commented that the variances between bidders is common, but as Mr. Grumman has said, he checked that they meet the specifications on paper

and will be monitored as they progress.

Mr. Wren asked when the project might begin.

Mr. Grumman stated he hope it would begin before the spring. The project should not take too long as it is only a 200-foot pipe.

Mayor Knopp stated that there is a specific time, May to October, so that the wildlife is not interrupted.

**** MOTION PASSED WITH FIFTEEN (15) VOTES IN FAVOR.**

5. Authorize the Director of Public Works to issue Orders on contract to Deering Construction for Project No. 2000-1, Proposed Site Improvements at the Public Works Center, to finalize the project, for a sum not to exceed \$7,000. Acct. 301 40 21 5571.

**** MR. PERONE MOVED THE ITEM.**

Mr. Perone stated that there was \$7,000 left in the account and these funds were part of the contract and could be used to complete the project.

Mr. Krummel inquired whether the gate was actually 54 feet long.

Mr. Grumman stated that was true as the trucks are very large using the gate.

**** MOTION PASSED WITH (15) FIFTEEN VOTES IN FAVOR.**

6. Authorize the Director of Public Works to issue Order on Contract to Sullivan Architectural Group/A.F.Conte Construction, LLC., to provide structural repairs to the Salt and Sand Storage Building at the Public Works Center, for a sum not to exceed \$10,000. Acct. #01 40 25 5322.

**** MR. PERONE MOVED THE ITEM.**

Mr. Perone stated that at the Salt and Sand Storage Building the construction was not done well. Therefore, damage done in the last windstorm must be repaired.

Mr. Grumman commented that the walls bulge in and out due to a structural defect and is unsafe. Mr. Romano recommended that the bracing be corrected. The architect will bear \$20,000 of the cost and the City will bear \$10,000 using funds remaining in the account. This agreement would alleviate going into extensive legal action and make the building safe.

Mr. Kimmel stated that the staffing did not include a structural engineer, therefore, there was a lesson to be learned in the fact that the right people were not on staff to review the construction of this building.

**** MOTION PASSED WITH (15) VOTES IN FAVOR.**

7. Accept Silvermine Way as a City Street.

**** MR. PERONE MOVED THE ITEM.**

Mr. Perone stated that the builder asked that the City approve this as a public street so that it might be plowed and have the advantage of other City benefits.

Mr. Kimmel stated that he received a call that Honey Hill Road was very pleased with the work done on their street during the storm.

He further stated that Silvermine way is a new street and a good example of why the City needs a mechanism for the Silvermine area so that there is some leverage by what is built. The residents don't have any control regarding the size of houses and what is built in their neighborhoods. He said he would approve the motion with reservations.

**** MOTION PASSED WITH (15) VOTES IN FAVOR.**

B. FINANCE COMMITTEE

2. **For informational purposes only: Monthly Tax Collector's Report Dated November 30, 2002.**

Mr. Kimmel stated that the tax collections are moving along.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no postponed items.

X. SUSPENSION OF THE RULES

**** MR. MIKLAVE MOVED TO SUSPEND THE RULES TO ADD THE SETTLEMENT OF STEPHEN WHITE TO THE AGENDA.**

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

**** RESOLVED THAT THE CLAIM OF STEPHEN WHITE VERSUS THE CITY OF NORWALK BE AND IS HEREBY SETTLED FOR THE SUM OF \$5,657.12.**

**** RESOLUTION PASSED UNANIMOUSLY BY (15) VOTES IN FAVOR.**

Mr. Miklave excused himself from the meeting at 9:55 p.m.

B. FINANCE COMMITTEE

1. Accept and approve the report of the Claims Committee Dated December 4, 2002.

**** MR. KIMMEL MOVED THE ITEM.**

**** MOTION PASSED UNANIMOUSLY BY (14) VOTES IN FAVOR.**

X. ADJOURNMENT

**** MR. BONDI MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY BY (15) VOTES IN FAVOR.**

The meeting was adjourned at 10:00 p.m.

ATTEST:

Pam Stark, City Clerk /alrd

