

Common Council Actions

COMMON COUNCIL

ACTION

JANUARY 28, 2003

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, January 28, 2003 in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex Knopp called the meeting to order at 8:05pm.

I. ROLL CALL

Betsy Bain	Jeanette Olmstead-Sawyer (absent)
Kenneth Baker	Christopher Perone
Fred Bondi	Kevin Poruban
Barbara Hudgins (absent)	Judith Rivas
William Krummel (absent)	Douglas Sutton
Bruce Kimmel	Peter Wien
Carvin Hilliard	William Wrenn
Matthew Miklave	

Twelve (12) members were present at Roll Call.

II. **ACCEPTANCE OF MINUTES**

A. Regular Meeting January 14, 2003

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

The following corrections were made:

Page six, item V. B 1 was added to the consent calendar. Page twelve, first line, after the word office add a period (.) and delete the remainder of the sentence. Page twelve, fourth paragraph from the bottom, fourth line, delete the word accept and replace with have carefully examined. Page fourteen, third paragraph delete the word and they and replace with the Common Council.

**** MOTION PASSED ELEVEN VOTES IN FAVOR, ONE
ABSTENTION (MR. HILLIARD).**

III. **PUBLIC PARTICIPATION**

Mr. Robert Griffith stated that he was speaking with reference to an article in the newspaper regarding people picketing a homeless shelter in South Norwalk. He said the homeless shelter is in the heart of the city nestled around housing complexes and very close to two public schools. Mr. Griffith suggested there could be a better place for the homeless shelter and further suggested that it be placed in one of the surrounding areas.

IV. **MAYOR**

A. **RESIGNATIONS AND APPOINTMENTS**

Resignations: June Carroll - Board of Estimate & Taxation

Appointments: Antoinette Cooper Blair - Norwalk Redevelopment Agency

Mayor Knopp announced that Ms. Carroll has resigned from the Board of Estimate after being an active member for a number of years; he added that she is the acting principal at Jefferson School. Mayor Knopp thanked her on behalf of the city.

Mayor Knopp said he was pleased to nominate Antoinette Cooper Blair to the Norwalk Redevelopment Agency. He noted that she works for First Union Bank and has been active in civic organizations.

**** MR. PORUBAN MOVED TO APPOINT ANTOINETTE COOPER BLAIR TO THE NORWALK REDEVELOPMENT AGENCY FOR A TERM TO EXPIRE 11/1/07.**

Mr. Poruban said he has known Ms. Cooper Blair for some time and said she will be a wonderful asset.

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

B. REMARKS

Mayor Knopp welcomed Mr. Hilliard to the Common Council and said he got to know Mr. Hilliard during negotiations regarding a law suite by the NAACP in 1999 against the former administration. He said he came out of that experience feeling that Mr. Hilliard was a person of principle as well as a person who was interested in getting things done; two qualities that a member of this council needs to be successful. Mayor Knopp thanked Mr. Hilliard for stepping forward.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

**** MR. MIKLAVE MOVED THE FOLLOWING ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR.**

VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

1. Authorization to settle claim: Travelers Insurance Company v. City of Norwalk.

2. Authorization to settle the claim of Brian Puskas v. City of Norwalk.

VI. **COMMON COUNCIL COMMITTEES**

A. **PUBLIC HEALTH AND 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 Connecticut Department of Children and Families under the Drug and Alcohol Prevention Program for Fiscal Years 2003-2006.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements, documents, instruments and amendments thereto as may be necessary to implement a Drug and Alcohol Prevention Program, pursuant to such grant funding.

B. **LAND USE AND BUILDING MANAGEMENT COMMITTEE**

1. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Gregg & Wies Architects' architectural services contract for the Rogers-Ritch-Merritt House covering Phase 2-5 for a total not to exceed \$22,500. Acct. # 030000 2649

2a. Authorize the Mayor, Alex A. Knopp, to execute amendments to Fusco Corporation's contract for Brookside School Replacement Project to increase the Guaranteed Maximum Price (GMP) for work beyond the contract scope of services, for a total not to exceed \$45,516.00. Acct # 09035010 5777 C0171

Mr. Miklave stated that the following item would be referred back to Committee.

2b. Authorize to set aside an owner's contingency allowance and authorize the Mayor, Alex A. Knopp, to execute amendments to Fusco Corporation's contract for Brookside School Replacement Project to increase the Guaranteed Maximum price (GMP) for a total not to exceed \$34,484. All increases to the Guaranteed Maximum Price must be reviewed and approved by the Land Use/School Building Committee. Acct. #09035010 5777 C0171

Mr. Miklave continued to read the items to be included on the consent calendar.

3. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Wiles and Associates Architects' architectural services agreement for West

Rocks School Renovation Project for additional construction administration services for a total not to exceed \$15,333.00. Acct. #09035010 5777 C0055

C. **RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE**

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Round Hill Highland Game, Inc. to use Cranbury Park for the annual Round Hill Highland Games to take place Saturday, June 28, 2003 from 8:00am - 6:00pm. Set up would take place Friday June 27, 8:00am and take down would be Monday June 30, 2003 by 5:00pm. Admission is the same as 2002 \$10 for adults, \$5.00 for children 5-12 and \$5.00 for senior citizens. Estimated attendance 7,500.

A. **PUBLIC SAFETY AND EMERGENCY PREPAREDNESS COMMITTEE**

1. Approve the purchase of a Vehicle Exhaust Extraction System by the Norwalk Fire Department for Station 1 at a total cost of \$39,665.54. This is a Sole Source Procurement paid with funds from Account # 013153-5790.

Mr. Miklave stated that the following two items would be tabled.

Simplex 4a. Authorize the Mayor, Alex A. Knopp to execute an agreement with

Grinnell to complete the Video Distribution System Project at Naramake School for a total not to exceed \$49,855.00. Acct. #09005010 5777 C0064 and #09025010 5777 C0064

4b. Authorize the Land Use/School Building Committee to issue change orders on Contract for a total not to exceed \$4,985.00.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

B. **OTHER GENERAL COUNCIL BUSINESS**

**** MR. MIKLAVE MOVED TO APPOINT MR. HILLIARD TO THE PLANNING COMMITTEE, THE PUBLIC WORKS COMMITTEE AND THE FINANCE COMMITTEE.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Miklave announced that on February 3, 2003 at Norwalk City Hall at 7.30pm would be the third public forum for working families. He added that a group of developers would be joining the forum to give their views on what needs to be done to tackle the problem of the lack of housing.

A. FINANCE COMMITTEE

RESOLUTION

WHEREAS, Section 1-289 of the Norwalk Charter requires that a majority of the Common Council vote to establish a specific spending limitation on locally funded expenditures during the process of establishing the next fiscal year's operating budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NORWALK THAT:

The maximum limit on total appropriation for the City of Norwalk for Fiscal Year beginning July 1, 2003, shall be no more than \$190,507,775. This cap amount represents the same amount of expenditures approved in the current 2002-2003 budget less an estimate of intergovernmental grants to be received for 2003-2004. In adopting this resolution, the Common Council also states that this expenditure cap is essentially an artificial placeholder cap, and should be viewed as such. Our decision to establish this flat preliminary expenditure cap is predicated on the notion that we are awaiting additional information regarding the operating budget.

Be it further resolved that the result of this vote and resolution, together with the attached 2003-04 Budget Guide, be forwarded by the Clerk of the City of Norwalk to the Board of Estimate and Taxation.

**** MR. KIMMEL MOVED APPROVAL.**

Mr. Kimmel stated that he would like to emphasis that this is a placeholder for the second year in a row because there are just too many questions that need to be answered, he added that they were not sure what is going on in

Hartford. Mr. Kimmel continued to say that the Legislature has not yet acted on the Governor's December proposals so there are serious questions about the current budgets and they are in the dark with regard to state aid for the next fiscal year. He said for them to come up with a hard cap at this time would be the equivalent of a fiscal crap shoot and in his opinion would be a disservice to the tax payers.

Mr. Kimmel stated that they have until the third Tuesday in March to come up with a real cap for the next fiscal year. He said part of the problem that they, as a council, have had adopting the yearly operating budget stems from the charter revision of the mid 1990's as the main thrust of the revision was to create a division of labor on budget matters to come before the Board of Estimate and the Common Council but it also laid out a very tight timeframe. He explained that the Council only has two weeks in January from the time the Finance Department makes its budget recommendations to come up with a spending cap.

Mr. Kimmel said that the system they have now seems to work best only under stable economic conditions. In 2000/01 the Republican majority and Democratic minority of the Council agreed to adopt a placeholder so the Finance Department would have more time to analysis the effects of revaluation. Last year in the 2002/03 budget a new administration that had been in office for approximately two months had to come up with a budget cap, he added that this was extremely difficult to do and they adopted a place year. This year, Mr. Kimmel again stated that there is too much economic uncertainty and suggested that in the coming months they look very carefully at this charter revision in particular the timeframe.

Mayor Knopp added that this year the city of Norwalk along with a number of other municipalities has filed suit against the state as grants are being held back making another issue to factor into the budget.

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

B. ORDINANCE COMMITTEE

1. Proposed amendment to Chapter 103, Taxation, Article III, Tax Relief for the Elderly and Disabled Homeowners.

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

Mr. Wrenn stated that he was pleased to support this item; he added that this is a tough budget year but the Ordinance and the Finance Committee worked on renewing this ordinance and felt it was important to expand the program as much as they could to ease the burden on senior citizens who make a very valuable contribution to the community.

Mayor Knopp said he was pleased to recommend this change to the Ordinance and Finance Committees. He explained that improving property tax relief for low income senior home owners was one of the priorities in taking office and last year there was a very short window of opportunity to adopt a tax deferral because the tax assessor has to provide notice and obligation forms and therefore, there was only a two to three week (approximately) period in which the amendment to the tax referral could take effect.

Mayor Knopp said in his view the tax deferral is the fairest way to provide tax relief. He said it allows seniors in this part of the state to tap into the equity that most have built up in their homes, through the deferral. He said tonight they would be making two significant changes, first they are increasing the level of qualifying income up to \$40,000 a year for the tax relief as of July 1, 2003 and to \$45,000 for the tax relief that will be provided for the tax year beginning July 1, 2004. They are also increasing the amount of deferral from the prior \$2,500 up to either \$4,000 or one half of the property tax due (which ever is less). In order to minimize the drain on assets, many studies have shown that the property tax on senior citizens is the second highest drain on senior's income after medical care/prescription drugs. Mayor Knopp said there are of course, some seniors who may wish to pass their properties onto their heirs without any leans on their property and this is a choice they entitled to make.

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

2. Proposed ordinance providing Additional Property Tax Exemptions Article _____ Additional Veterans Property Tax Exemptions.

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

Mr. Wrenn stated, once again, that he was very please to support this item and said this has matched what Norwalk is able to do in accordance with state statute to benefit qualifying veterans who have unselfishly served their country; he added that this is a way to give something back.

Mayor Knopp stated that he was pleased to propose this to the Ordinance Committee, as it is a way to honor veterans and thank them for their service to the country. The property tax relief provision provides low income veterans and Mayor Knopp noted that he was surprised to find there was no active program in the city to provide for this kind of assistance. He added that this will allow the city to exempt \$5,000 from the value of the assessment of a low income veteran that will provide a modest property tax relief of approximately \$150 on the average home.

Mayor Knopp said he wished to bring to the attention of the Council is with regard to Section 4 of the Ordinance, there is an open question under state law of whether or not exemption has been filed with the grant list of October 1, 2002 or whether the city on its own, or with legislative approval or with administrative approval can go ahead after that date. He said they would be exploring whether it is possible to provide for tax bills paid July 2003.

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

3. Proposed amendment to the Code of the City of Norwalk to add a new ordinance to read as follows:

Tax Abatement for Volunteers Firefighters.

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

**** MS. BAIN MOVED TO AMEND THE MOTION, PARAGRAPH B, THE FIFTH LINE TO DELETE THE WORDS THE "SIXTH TAXING DISTRICT" AND TO INSERT THE WORD "NORWALK".**

**** AMENDMENT PASSED UNANIMOUSLY.**

Ms. Bain commented on the ordinance that would enable the Commissioners of the sixth district to offer abatement up to the amount \$1000 for volunteers who have served in the Rowayton Fire Department. She said due to the ever-increasing assessments of property values in the sixth district it makes it difficult for volunteer firefighters to live and work in the district and this will give them some recognition of the hard work that they do; she added that she fully supported.

Mr. Kimmel stated that he would like to emphasis for the record that the entire cost of this will be born by the sixth taxing district.

Mayor Knopp indicated that he is in support of this item and thanked members of the Rowayton Fire Department and Ms. Bain.

Ms. Bain pointed out that although the volunteer department primarily serves the sixth district, they have performed services for the greater city at large.

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

1. Proposed amendment to the Code of the City of Norwalk to add a new ordinance to read as follows:

**Property tax exemption for ambulance-type vehicles;
application.**

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

Mr. Miklave said he was very pleased to speak in favor of this, as this is an example in no matter how much you know you can always learn something new. He gave an example of two disabled people who needed to use a very expensive van to enable them to go about day to day chores; it was so expensive that they needed to raise money just to be able to use it. What these people had told Mr. Miklave was that they are taxed on this vehicle as if it were a luxury car and had asked for his help.

Mr. Miklave said this is a very progressive, modest step to helping people. He added that it would have a small impact on the budget and thanked the Mayor and Finance Committee.

Mr. Kimmel said although these are hard times but the idea of passing these tax relieves may seem a little out of kilter, they do not have a large impact on the operating budget but will have a big impact on the people who can take advantage of them.

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

5. Alarm Devices and False Alarms.

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

Mayor Knopp thanked Mr. Schmidt for his help and research. He said this item had come up after noticing major police activity due to the large number of false alarms in the police and fire departments and the terrible waste of resources. He said the purpose of this ordinance is to deter false alarms by encouraging alarm owners and companies to take their systems and to find out which ones are generating the false alarms and to fix them. He thanked Chief Rilling and Chief Verda for their support.

Mr. Wrenn said he echoed the Mayor's comments and said this is a very important ordinance and by its passing it will improve efficiency and hopefully save money. He said during the public meeting there was a great response from the Connecticut Alarm Association and many individual alarm company owners and thanked them for attending; he also thanked Mr. Schmidt.

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

VI. RESOLUTIONS FROM COUNCIL MEMBERS

There were no resolutions this evening.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

Tabled from January 14, 2003 Meeting.

A. LAND USE AND BUILDING MANAGEMENT COMMITTEE

4a. Authorize the Mayor, Alex A. Knopp to execute an agreement with Simplex

Grinnell to complete the Video Distribution System Project at Naramake School for a total not to exceed \$49,855.00. Acct. #09005010 5777 C0064 and #09025010 5777 C0064

4b. Authorize the Land Use/School Building Committee to issue change orders on Contract for a total not to exceed \$4,985.00.

VIII. SUSPENSION OF THE RULES

There were none this evening.

IX. ADJOURNMENT

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

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

The meeting was adjourned at 9:00pm.

ATTEST: _____

Mary B. Roman, Assistant City Clerk