

***Common Council Actions***

**COMMON COUNCIL**

**ACTION**

**FEBRUARY 11, 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, February 11, 2003, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8:10 p.m. He then led the assembly in the Pledge of Allegiance.

**I. ROLL CALL**

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

Fifteen (15) Members were present at Roll Call.

**II. ACCEPTANCE OF MINUTES**

**A. Special Meeting January 28, 2003**

\*\* MR. BONDI MOVED APPROVAL OF THE MINUTES AS DISTRIBUTED.  
\*\* MOTION PASSED WITH TWELVE (12) IN FAVOR (MESSRS. BAKER, BONDI, HILLIARD, KIMMEL, MIKLAVE, PERONE, PORUBAN, SUTTON, WIEN, WRENN, MS. BAIN, MS. RIVAS AND THREE (3) ABSTENTIONS (MR. KRUMMEL, MS. OLMSTEAD-SAWYER, and MS. HUDGINS).

**B. Regular Meeting January 28, 2003**

The following corrections were made to the minutes:

Page 5, Last Paragraph, 2nd Line: Delete the word "suite" the first time it appears and insert the word "suit" and delete the word "suite" the second time it appears and insert the word "state".

Page 6, 9th Paragraph, 3rd Line: Delete the word "countries" and insert the word "country".

\*\* MR. BONDI MOVED APPROVAL OF THE MINUTES AS CORRECTED.  
\*\* MOTION PASSED WITH TWELVE (12) IN FAVOR (MESSRS. BAKER, BONDI, HILLIARD, KIMMEL, MIKLAVE, PERONE, PORUBAN, SUTTON, WIEN, WRENN, MS. BAIN, MS. RIVAS AND THREE (3) ABSTENTIONS (MR. KRUMMEL, MS. OLMSTEAD-SAWYER, and MS. HUDGINS).

### **III. PUBLIC PARTICIPATION**

**Tod Bryant, 23 Morgan Avenue**, addressed the Council. He stated that he was in favor of the Resolution proposed for the amendment of the Plan of Development for both Rowayton and East Avenues. He went on to state that this could be nothing but a positive step. He pointed out that in almost every case historical preservation increased real estate values. He closed by saying that this step was good for the City; good for business and that it would also enhance the community.

**Lynn Friedman, 4 Jo's Barn Way**, addressed the Council. She stated that she hoped the Members would vote positively on the Plan of Development item, as it would be a wonderful move for Norwalk. She added that this was something that had not been done in many other towns in Connecticut and hopefully other towns would take note of this action and become believers in it.

### **IV. MAYOR**

#### **A. RESIGNATIONS AND APPOINTMENTS**

Mayor Knopp announced the following resignations:

**Resignations:** Chris Handrinis, Conservation Commission  
Santo DeLallo, DMD, Oak Hills Park Authority

Mayor Knopp thanked Mr. Handrinis and Dr. DeLallo for their service on these Boards.

Mayor Knopp then announced the following reappointments and appointments:

**Reappointment:** Catherine Reischer, Board of Assessment Appeals  
Kathleen Nagle, Zoning Board of Appeals

The Mayor noted that the Board of Assessment Appeals was a particularly important Board due to the fact that once the last phase of the revaluation began it was this Board that would advise the City Tax Assessor. Mayor Knopp stated that Ms. Reischer was a well-known local realtor and he added that two other Members of the Board were also realtors and familiar with property values. He went on to state that Ms. Nagle was active in the West Norwalk community as an attorney and he was pleased to recommend that Ms. Nagle serve a full term.

**\*\* MR. WRENN MOVED APPROVAL OF THE REAPPOINTMENT OF MS. REISCHER TO THE BOARD OF ASSESSMENT APPEALS.**

**\*\* MOTION PASSED BY VOICE VOTE WITH FOURTEEN (14) IN FAVOR (MESSRS. BAKER, BONDI, HILLIARD, KIMMEL, MIKLAVE, PERONE, PORUBAN, SUTTON, WIEN, WRENN, MS. BAIN, MS. RIVAS, MS. OLMSTEAD-SAWYER, MS. HUDGINS AND ONE (1) OPPOSED (MR. KRUMMEL).**

**\*\* MS. RIVAS MOVED APPROVAL OF THE REAPPOINTMENT OF MS. NAGEL TO THE ZONING BOARD OF APPEALS.**

Mr. Krummel stated that he was pleased that this Board had attracted Ms. Nagel's caliber of person and that it was his hope that the City could attract more people of this quality on its Boards and Commissions.

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

**Appointments:** Timothy H. Buzzee, Board of Estimate & Taxation  
Jason Farrow, Harbor Management Commission  
Wendell Simms, Jr., Fair Rent Commission (Reg.)  
Ben Guerrero, Fair Rent Commission (Alternate)  
Dorothy Mobilia, Zoning Commission

**\*\* MS. BAIN MOVED APPROVAL OF THE APPOINTMENT OF MR. BUZZEE TO THE BOARD OF ESTIMATE AND TAXATION.**

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

**\*\* MR. BAKER MOVED APPROVAL OF THE APPOINTMENT OF MR. FARROW TO THE HARBOR MANAGEMENT COMMISSION.**

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

**\*\* MR. HILLIARD MOVED APPROVAL OF THE APPOINTMENT OF MR. SIMMS TO THE FAIR RENT COMMISSION.**

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

**\*\* MS. HUDGINS MOVED APPROVAL OF THE APPOINTMENT OF MR. GUERRERO TO THE FAIR RENT COMMISSION.**

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

\*\* MR. BONDI MOVED APPROVAL OF THE APPOINTMENT OF MS. MOBILIA TO THE ZONING COMMISSION.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

## **B. REMARKS**

There were none made this evening.

## **V. COUNCIL PRESIDENT**

### **A. CONSENT CALENDAR**

Mr. Miklave presented the following items for consent:

## **VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS**

### **A. BOARD OF ESTIMATE AND TAXATION**

1. RESOLVE, that a sum not to exceed \$20,000 be and the same is hereby transferred from Contingency to the Fire Department to pay for repairs of the 100ft. aerial ladder. Acct # 01-3152-5332

## **VII. COMMON COUNCIL COMMITTEES**

### **A. FINANCE COMMITTEE**

1. Receive Annual Financial Report dated June 30, 2002 (see attached)
3. For Informational Purposes Only: Delinquent Tax Report and Narrative on Tax Collections.

### **B. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS 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, Emergency Medical Services under the 2003-2004 EMS Equipment Grant.

1b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the State of Connecticut, Emergency Medical Services 2003-2004 EMS Equipment Grant.

## **SUSPEND THE RULES**

Suspend the rules and add the following items to the agenda:

2a. 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, Emergency Medical Services under the EMS 2003-2004 Equipment Grant.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2003-2004 EMS Equipment Grant.

3. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to contract with Jacques Personnel for the development and facilitation of Oral Board Examinations for the position of firefighter with the Norwalk Fire Department at a cost of \$5,395.00 from account # 013140-5258.

**C. PLANNING COMMITTEE**

1. Approve the reprogramming of \$48,000 of CDBG Funds from Year 26-Building Department Demolition Program for a new Year 28 program titled Ben Franklin Center - NEON Childcare Center Lead Based Paint Abatement in the amount of \$48,000.

2. 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:

OWNER	ADDRESS	EXTENSION DATE
Maritime Ventures LLC	51 West Avenue	March 31, 2003
	31 Putnam Avenue	

**X. SUSPENSION OF THE RULES**

Consent to suspend the rules and add the following item:

**V. COUNCIL PRESIDENT**

**B. OTHER GENERAL COUNCIL BUSINESS**

1. Resolution: (with regard to Andover etal vs. Ryan)

**VII. COMMON COUNCIL COMMITTEES**

**C. PLANNING COMMITTEE**

4. APPROVE THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE DRAFT VERSION DATED AUGUST 15, 2002. **CONSENT TO TABLE UNTIL THE NEXT REGULAR MEETING OF THE COUNCIL.**

\*\* MR. MIKLAVE MOVED APPROVAL OF THE ABOVE ITEMS.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

## **V. COUNCIL PRESIDENT**

### **B. OTHER GENERAL COUNCIL BUSINESS**

1. Resolution: (with regard to Andover etal vs. Ryan)

\*\* MR. MIKLAVE MOVED APPROVAL OF THE ABOVE ITEM.

Mr. Miklave explained that the purpose of the Resolution was to ensure that the City participated in the lawsuit to see that the State paid the \$1.2 million dollars due to the City. He further explained that it was suggested in the meeting that took place in Hartford that resolutions of this nature be passed and so that in turn the State would be asked to obey State Law.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

## **VI. REPORTS: DEPARTMENT, BOARDS AND COMMISSIONS**

### **A. BOARD OF ESTIMATE AND TAXATION**

2. RESOLVE, that a sum not to exceed \$10,000 be and the same is hereby transferred from Contingency to the Legal Department to pay for expert witnesses in the Norwalk to Bethel transmission line proceeding before the Department of Public Utility (DPUC).  
Acct. # 01-0300-5

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

Mr. Kimmel stated that he was glad the City was participating in this suit. He added that he felt this was a very important item and that the amount of money requested was appropriate. He went on to state that he hoped all the Members supported this item tonight.

Mayor Knopp explained that each Council Member had an accounting of the fees and expenses expended to date by the towns of Wilton, Redding, Bethel and Weston in their packets. He noted that these municipalities had already spent more than \$500,000 to retain experts, consultants and attorneys. However, he added that he felt Norwalk did not need to participate in those expenses because they focused on whether the cable should be over or under the ground and that did not affect Norwalk. He asked the members to support paying \$10,000 to aid the energy consultant in making make a presentation.

Mr. Wrenn stated that he felt this was important for Norwalk and the entire area. He added that they had a common goal in preventing abuse of utilities and power.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

## **VII. COMMON COUNCIL COMMITTEES**

## **A. FINANCE COMMITTEE**

2. Accept and Approve the Report of the Claims Committee Dated February 5, 2003.

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

Mr. Miklave recused himself from this matter and left Chambers.

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

Mr. Miklave returned to Chambers.

## **VII. COMMON COUNCIL COMMITTEES**

### **B. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS COMMITTEE**

2a. 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, Emergency Medical Services under the EMS 2003-2004 Equipment Grant.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2003-2004 EMS Equipment Grant.

**\*\* MR. PORUBAN MOVED APPROVAL OF THE ITEMS.**

Mr. Poruban noted that this Grant was similar to the one that the Police Department applied for. He explained that it would be used to purchase a training dummy for the defibrillators. He added that the defibrillators required a certain type of dummy for testing.

Chief Verda reiterated that this Grant was similar to the one the Police Department had applied for. He noted that his Department had 30% of the funds in place and hopefully they would be successful in securing the Grant. He informed the Members that the 30% had already been allocated in their current budget. Mr. Poruban confirmed that this was the same for the Police Department.

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

3. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to contract with Jacques Personnel for the development and facilitation of Oral Board Examinations for the position of firefighter with the Norwalk Fire Department at a cost of \$5,395.00 from account # 013140-5258.

**\*\* MR. PORUBAN MOVED APPROVAL OF THE ITEMS.**

Mr. Poruban stated that this item was coming late to the Council, as there had been a change in vendors. He went on to state that this company would develop the oral board

exam that would be used and added that the exams would start on the 17th of the month. Mayor Knopp noted that the fees for the oral exams were funded from the application fees paid by the firefighter candidates.

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

## **VII. COMMON COUNCIL COMMITTEES**

### **C. PLANNING COMMITTEE**

3a. Be It Resolved by the Norwalk Common Council that the Plan of Development for the City of Norwalk 1990-2000, be amended as shown upon two documents, certified by the Norwalk Planning Commission, entitled "Amendment to Norwalk Looking Ahead: Plan of Development for the City of Norwalk: Distinctive Characteristics of Village Districts East Avenue", dated Approved effective December 20, 2002, and "Amendment to Norwalk Looking Ahead: Plan of Development for the City of Norwalk: Distinctive Characteristics of Village Districts Rowayton Avenue", dated approved effective July 19, 2002; be approved.

**\*\* MR. MIKLAVE MOVED APPROVAL OF THE ITEM.**

Mr. Miklave said that he was truly pleased to move this item tonight and with this Council adopt the Resolution for the City of Norwalk for the approval of the historic district. He commended Michael Greene and his staff who together brought this forward by marshalling the facts and patiently sitting through presentation after presentation. He remarked that the City appreciated all their support and effort.

Mr. Miklave noted that this was a very forward thinking proposal. He added that it gave the City the opportunity to balance the interest of property owners and preservation. He said that he felt this proposal was in the interest of the community and that he felt to be able to have the village green preserved was a great thing.

Mr. Kimmel stated that this was the type of mechanism needed to preserve the past and noted that Norwalk had been settled in 1640. He added that this was an initial step in preservation and that he would like to see not only more village districts preserved but also spots in Silvermine. He encouraged homeowners to step up the process and make Silvermine a village district. He stressed that they needed to take a close look at Silvermine and at the zoning of that area. He mentioned that there were some areas at Silvermine River that would allow for subdividing. He reiterated that the community organizations needed to look at this and see that this area remained the same and that nothing was destroyed. He closed by stating that a demolition delay ordinance should also be considered as part of this preservation process.

Mr. Wrenn stated that he was very much in favor of this ordinance. He went on to state that it affirmed what they already knew - Norwalk was not a single city but a village of character. He added that there were diverse neighborhoods and that preserving this

diversity and the character of the neighborhoods was important for quality of life and the economics of the City.

Ms. Bain stated that after Council approval the plan would be forwarded to the Zoning Commission for the development of the regulation. Mr. Greene interjected that it would go to the Mayor first for signature and then the Zoning Commission would have to hold a Public Hearing. Ms. Bain pointed out that there was concern that zoning had to be developed. She asked Mr. Greene at what point members of the community could become involved. Mr. Greene replied that the Zoning Commission would develop a first draft of the regulation and at that point there would be a Public Hearing. He noted that the Commission would accept any written comments that anyone wanted to provide.

Mr. Bondi thanked Mr. Bryant and his association for all the work they had put into this project. He added that their diligence had been very helpful. He stated that this was a start in preserving the character of Norwalk. He commented that hopefully they would be able to save the house and that the hospital would listen and save it.

Ms. Olmstead-Sawyer stated that Norwalk was made up of many districts. She went on to state that she hated to see the onslaught of development of South Norwalk. She explained that this was a very old section of Norwalk and pointed out that this area was older than some of the sections the City was currently preserving. Ms. Olmstead-Sawyer stressed that the City should look at South Norwalk to ascertain what it would like to preserve. She mentioned that she feared this area of the City would be destroyed with all the attention being given to other parts of the City.

Mr. Wien stated that he agreed with Ms. Olmstead-Sawyer. He went on to state that all aspects and parts of the City needed to be reviewed.

Ms. Rivas stated that she was happy to support this item.

Mr. Perone stated that this item was important to him not only because of the visual impact of the homes but also because it becomes harder to preserve as years go by. He went on to state that instituting this item was one more step in keeping the integrity of the structures of the City.

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

3b. Be It Further Resolved that the Plan of Development for the City of Norwalk as amended, be forwarded to the Mayor for his signature.

**\*\* MR. MIKLAVE MOVED APPROVAL OF THE ITEM.**

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

Mayor Knopp stated that the action taken by the Council this evening will ensure that the voters would have a stronger say in the future than they did in the past. He pointed out that previously the East Avenue Village had been voted down. He noted that he felt there

was a need to reach the people who saw a need for a balanced economic development. Mayor Knopp thanked the full Council for making this change possible and enabling people to take a stronger role. He stressed that they would continue to work for preservation of historic structures in Norwalk. He closed by mentioning that this was change that voters had sought.

**VIII. RESOLUTIONS FROM COUNCIL MEMBERS**

There were none.

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

There were none.

**XI. ADJOURNMENT**

\*\* MR. BONDI MOVED APPROVAL TO ADJOURN THE MEETING.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting adjourned at 8:55 p.m.

ATTEST: \_\_\_\_\_

Mary B. Roman, Assistant City Clerk

