

Common Council Actions

COMMON COUNCIL

ACTION

MAY 27, 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, May 27, 2003, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8:15 p.m.

I. ROLL CALL

Fred Bondi	Christopher Perone
Carvin Hilliard	Kevin Poruban
Barbara Hudgins	Judith Rivas
William Krummel	Douglas Sutton
Bruce Kimmel	William Wrenn
Matthew Miklave	

II. ACCEPTANCE OF MINUTES

A. Special Meeting of May 1, 2003

**** MR. BONDI MOVED APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MAY 1, 2003.**

**** MOTION PASSED WITH 9 VOTES IN FAVOR, 2 ABSTENTIONS (MR. KIMMEL, MR. WRENN).**

B. Regular Meeting of May 13, 2003

**** MS. RIVAS MOVED APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 13, 2003.**

The following corrections were made:

Page 1, EST was removed from the header

Page 5, 1st paragraph, insert "**reluctantly** supported"

Line 3, Fall should be Spring; insert **easily** compact that in the Fall 3rd paragraph, Lauracella should be **Lauricella**

Page 8, after FINANCE, insert "Mr. Miklave recused himself."

Page 10, "The Mayor moved out of Executive Session at 10:02 p.m.

**** MR. MIKLAVE MOVED APPROVAL TO AUTHORIZE CORPORATION COUNSEL TO HIRE OUTSIDE COUNSEL.**

**** MOTION PASSED WITH 10 VOTES IN FAVOR.**

Insert "The meeting was adjourned at 10:04 p.m."

**** MOTION PASSED WITH 11 VOTES IN FAVOR.**

III. PUBLIC PARTICIPATION

Chief Rilling spoke in favor of the adoption of the ordinance regarding alcohol and minors. He said this ordinance does not take away parental authority. However, it does fill a loophole in the State ordinance regarding alcohol in the private home. It would allow officers to press charges on the homeowner when alcohol is served in a home for a party with minors. This is designed to protect children when they are not in the presence of their parents. He stated that when parents are with their children and allow them to have an alcoholic beverage, that is their right and they hold the responsibility. They will be given every protection of the law when not with their parents with the adoption of this ordinance.

The Mayor thanked the Chief and his staff for their diligence regarding the crack down on vendors selling alcohol to minors. He also commended them for their work regarding drivers who are under the influence of alcohol.

Mr. Davidson spoke with regard to the amendment between the Second Taxing District and the City concerning the South Norwalk Library. He asked whether the Council had considered what would happen after the building is completed. He stated that since the City is putting in the funds to renovate, the City should have a say, not just the Second Taxing District. He pointed out that the taxpayers pay for the use of the library. He asked that the Council consider what the implication would be to the taxpayers in their decision on this amendment.

Diana Palladino spoke about the alcohol ordinance. She said that as a young person she was completely in support of the ordinance. She has been to parties where parents have supplied the alcohol for the young people. Many of them are not careful and drive home to the danger of themselves and others. She felt that it is unfortunate that drinking takes place in the private sector and if alcohol is less available to minors, it may discourage the use. She said it does not matter whether alcohol is given in the private sector or public, the results are the same when minors are involved.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

There was no action on this item.

B. REMARKS

The Mayor welcomed Robert Koch to the Council, who will become The Hour's primary reporter for City Hall.

The Mayor further commented that he felt regret that the rain led to a cancellation of the Memorial Day Parade. On June 14th there will be a combined recognition of the Memorial Day activities along with Flag Day. He hopes to have some of the school bands who practiced so hard for the original date perform and there will be a notice sent out to that end.

V. COUNCIL PRESIDENT

A. CONSENT CALENDAR

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

VI. COMMON COUNCIL COMMITTEES

A. LAND USE & BUILDING MANAGEMENT COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to execute an amendment to N.E.O.N.'s lease agreement for the use of Ben Franklin Center by extending the initial terms of the agreement to November 30, 2003. All remaining terms of the agreement to remain unchanged.

2. Authorize the Purchasing Department to issue purchase order(s) to Technical Education Solutions, LLC for the supply and installation of proprietary hardware and software to create Technology Education labs in the four Norwalk Middle Schools for a total amount not to exceed \$221,600. Acct. #09035010 5777 C0112

C. ORDINANCE COMMITTEE

2. Proposed amendment to Chapter 73 - "Oak Hills Park Authority" of the Code of the City of Norwalk

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the National Marine Manufacturers Association to use Calf Pasture Beach, Shady Beach, Taylor Farm and the Marvin School for parking for the annual Norwalk International In-Water Boat Show (September 18-21, 2003). Attendance 10,000

2. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Hibbard and Rosa Architects L.L.C. for architectural services to redesign the bathroom roofs at Veterans Park for a total amount not to exceed \$5,500.00. Acct # 09036030 5777 C082

3. Approve the request of the Connecticut Little League Baseball District One to waive the Calf Pasture entrance fee for players and their families for the purposes of inter-town play in the month of July. Dates and times to be provided to the Department 48 hours in advance.

5. Approve the use of Witch Lane Park for over flow parking by the Shakespeare on the Sound Inc. for their annual event to be held June 19-July 6, 2003 from 7:30-10:30pm. Estimated attendance 1,000+

6. Authorize the Mayor, Alex A. Knopp, to enter into an agreement with the Department of Environmental Protection State of Connecticut providing funding under the Clean Vessel Act for the operations and maintenance of a Marine Sewage Disposal Facility for the sum of \$11,669.56.

**** MOTION PASSED WITH 11 VOTES IN FAVOR.**

B. OTHER GENERAL COUNCIL BUSINESS.

1. Resolution

BE IT RESOLVED THAT, IN ACCORDANCE WITH CONNECTICUT GENERAL STATUTES SECTION 9-169F, THE NORWALK COMMON COUNCIL SHALL HEREBY ADOPT AND APPROVE THOSE GEOGRAPHIC

**DISTRICTS AS SPECIFICALLY SET FORTH AND DESCRIBED IN
NORWALK CITY CHARTER SECTION 1-2.1.**

**** MR. MIKLAVE MOVED THE APPROVAL OF THE RESOLUTION.**

Mayor Knopp stated that the State statute does not override a City Charter revision. This makes Norwalk the most unusual city in the state in redistricting. He felt that adopting the resolution is not out of compliance with the State legislative body with one person, one vote. The Mayor continued by giving the legislative requirements for redistricting and stating that Norwalk is in compliance.

**** MOTION PASSED WITH 11 VOTES IN FAVOR.**

VII. COMMON COUNCIL COMMITTEES (continued)

A. LAND USE & BUILDING MANAGEMENT COMMITTEE

3. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Schindler Elevator Corporation (to provide elevator maintenance service for City Hall and various buildings) for the remainder of fiscal year 2002-2003 in the amount not to exceed \$1,300.00 per month, fiscal year 2003-2004 in the amount not to exceed \$1,350.40 per month, fiscal year 2004-2005 in the amount not to exceed \$1,402.99 per month and fiscal year 2005-2006 in the amount not to exceed \$1,457.89 per month. Acct # various operating building accounts.

**** MR. MIKLAVE MOVED TO TABLE THIS ITEM.**

**** MOTION CARRIED UNANIMOUSLY.**

4. Authorize the Mayor, Alex A. Knopp, to execute a modification (dated 5/8/03) to the South Norwalk Library lease between the City of Norwalk and the Second Taxing District for the renovation of the building.

**** MR. KRUMMEL MOVED TO APPROVE THE ITEM.**

Mr. Krummel stated he was delighted and strongly supports the City providing good library services for the citizens. He stated that he felt that the Mayor's office did not support the special meeting called at the Mayor's requests for the Land Use Committee. He also commented that there was no quorum and would like to move the item back to committee.

**** MR. KRUMMEL MOVED TO REFER THE LEASE BACK TO THE
COMMITTEE.**

Mr. Kimmel said that the Council should look back and sees how the City did not do its part to maintain the library within code. He commented that with a \$500,000 grant for the library from the State, the former Council did nothing to improve the library. The discussions with the Second Taxing District have been difficult since at issue is who owns the library and who should maintain it. He said it was good to have this lease before the Council so that the building renovation could be moved forward. He said there could be revisions to the resolution in the future. He said the City should be cautious in spending its money, but a library is important for South Norwalk. He commended Alan Lo on his work on the needs of the library. He said by not doing this earlier, more money needs to be spent at this time.

Ms. Rivas commented that she did not want the lease to go back to Committee, but to get things going to get the library up and running. She said it is important to South Norwalk. She noted that she had substituted as worker in that library and saw how well it served the community.

Mr. Bondi said it has been many years in getting this item up off the ground. He said it is a good library for research and he has used it in the past. He emphasized not delaying the project, as there would be added cost. He said the item should not go back to Committee.

Mr. Miklave opposed sending the item back to Committee. He was in full support of the library lease being moved forward. Societies are judged by their libraries as a window to the community and its culture. This lease has been a political football for far too long. Mr. Miklave commended the Mayor's office for developing the idea to arbitrate future dispute under the lease for the library.

Mr. Hilliard agreed that the lease should be moved forward. He has used the library as a South Norwalk resident. He noted that when both parties have good intentions, good things happen as evidenced by this lease before the Council.

Mr. Perone said there could be a number of excuses to hold up this lease, but this is a good thing to move forward. By delaying, it would be a disservice to the community of South Norwalk. He opposed Mr. Krummel's motion.

Mr. Wrenn said he would agree to send the item back to Committee for further study, but he felt there would be no improvement in the lease at this time. He felt it would be an enhancement to the quality life of all Norwalk residents. He said later, the City can look at the operating costs and make this a viable item in Norwalk.

**** THE MOTION FAILED TO RETURN THE LEASE TO COMMITTEE WITH ONE VOTE IN FAVOR, (MR. KRUMMEL) 10 OPPOSED.**

The Mayor thanked Otha Brown, Attorney Zullo, Attorney Flaherty, and Mr. Schmidt for all their work on this library action. He said the library system has to be moved into the 21st century. Every effort will be made to assist with technology at the third and sixth taxing districts for their libraries to access the main Norwalk library.

**** RESOLUTION PASSED WITH 10 VOTES IN FAVOR, 1 OPPOSED
(MR. KRUMMEL).**

B. PUBLIC SAFETY AND EMERGENCY PREPAREDNESS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute a Contract to Pinnacle One as the Project Manager for the construction of the new Police Station in the amount of \$275,015.00. Acct #'s 09004031 5777 C0137, 09014031 5777 C0137, 09024031 5777 C0137, 09034031 5777 C0137.

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

Mr. Poruban commended those involved with the building project. Their choosing Pinnacle One was based on its experience in constructing such buildings and the mandatory security measures.

Mr. Kimmel commented that the City's current practice of not taking the lowest bidder versus the best bidder was evidenced in this choice. Mr. Kimmel said that for years the lowest bidder was awarded the job. He said that the previous Council felt it was their obligation to take the lowest bidder. It was found that in some cases that company was not the best choice. He stated that there were eleven bidders and it was narrowed down to three. Pinnacle best fit the City's needs. It was not the lowest bid, but the lowest one of the final three. The team was most pleased with its offering. They were selected because their points aligned with what the City was looking for in the project. This company is on board early in the game that is a good improvement in the process. He welcomed Pinnacle to Norwalk.

Mayor Knopp commented that the City is committed to choosing the lowest bidder. He stated that the City accepts requests for proposals versus requests for bid in order to make comparisons on fulfilling the demand of the project. The City needs the ability to be flexible, as cost is still a considerable factor. He noted that Pinnacle was the lowest of the final three.

Mr. Krummel said he was delighted that the program manager was chosen for the Police building. He said, however, that the City has been put in a position of conflict in setting up the Norwalk Facilities Construction Commission. He was concerned that the ordinance, which was passed, is being violated by fragmenting the oversight of this project. He felt that the award of the contract should be delayed until the Commission could be convened to select a single project manager for oversight.

The Mayor disagreed with Mr. Krummel's interpretation. He said this would delay the building of the Police station. He reminded Mr. Krummel that the ongoing projects would continue with its Ad Hoc Building Committees that were already in place although the ordinance was adopted.

Mr. Krummel asked Mr. Foley about items in the task matrix portfolio. Mr. Foley replied that Pinnacle One was most comprehensive, but the one Mr. Krummel was looking at was not the final position on the items. There would be no price change. He said that Pinnacle One provided the most comprehensive points in the matrix. The architect and construction manager provided input to the matrix and Pinnacle One was the best of the final three.

Mr. Krummel was concerned with Pinnacle's pricing. Mr. Foley stated again, based on their submission, it was the most comprehensive. With each submission there was a fee schedule showing the total hours. Pinnacle's hours were the lowest of all the bidders including the lowest original bidder.

Mr. Krummel asked of the Pinnacle representatives, Bill Trail, General Manager and Ray Kinghorn, to present the credentials of Bettina Killian, the registered architect, who will carry 50% of the staff workload. Mr. Trail outlined her abilities and background with regard to creating security buildings. Mr. Kinghorn has over 30 years in the construction industry and works with Pinnacle One as a construction consultant. He has worked on both new and renovation projects. He performs as Senior Construction Consultant with Pinnacle One.

**** MOTION PASSED WITH 10 IN FAVOR AND 1 IN OPPOSITION (MR. KRUMMEL).**

1b. Authorize the Police Building Committee to issue Change Orders on Pinnacle One contract for a total amount not to exceed \$27,501.50.

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

**** MOTION PASSED WITH 10 VOTES IN FAVOR AND 1 IN OPPOSITION (MR. KRUMMEL).**

C. ORDINANCE COMMITTEE (continued)

1. Amend Norwalk Code Chapter 12 - Alcoholic Beverages.

**** MR. WRENN MOVED THE ITEM TO AMEND NORWALK CODE CHAPTER 12 - ALCOHOLIC BEVERAGES.**

The Mayor stated that this would make Norwalk one of the few municipalities using an ordinance to plug a loophole in a State law. This is for those who will offer alcohol to a minor that is not their own child. This is the number one substance abuse of today's youth, exceeding hard drugs. The result of this abuse is evidenced in the motor vehicle accidents in which the young people are maimed or killed.

The Mayor informed the audience that while being hospitalized, he was in a ward where young people who were suffering from trauma due to an auto accident because of drunk

driving were all around him. He vowed that after his recovery, he would do all he could to prevent as many people as possible from becoming an innocent victim of drunk driving. His desire is to save anyone, through legislation, from this life threatening event.

Mr. Miklave, as an employment attorney, stated that he sees the destruction of individuals in the workplace from alcohol abuse. He said as the ordinance is presently written it would prevent certain religious activities and suggested a minor change. It could be misunderstood and the change would clarify the meaning of the ordinance.

**** MOVED TO AMEND 12-17 TO ADD "OR THE CONSTITUTION" TO CLARIFY THAT RELIGIOUS ACTIVITIES ARE EXCLUDED.**

**** AMENDMENT TO SECTION 12-17 PASSED WITH 11 IN FAVOR.**

Mr. Kimmel commented that his 18-year-old son has informed him of what happens after school. He said it is very frightening. He said that Norwalk athletes have to sign an agreement and if caught drinking would be punished. He said it is just a matter of time before the drinking is evident and disaster follows. He stated that the proms are coming up and he said it was good that it is being put in place now. He was in full support.

Ms. Rivas stated she is proud to support this much needed ordinance.

Mayor Knopp told the audience that he and Chief Rilling gave a presentation to high school students by using goggles that give the same distortion as driving under the influence. He stated after the students drove a golf cart on a designated course using the goggles and knocking over nine cones, the students were impressed by what can happen under the influence of alcohol. There will be future prevention programs in the schools.

**** MR. PORUBAN MOVED THE ORDINANCE AS AMENDED.**

**** MOTION PASSED WITH 11 VOTES IN FAVOR.**

D. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE (continued)

4. Authorize the Mayor, Alex A. Knopp, to execute an agreement with the Norwalk Seaport Association to hold their 28th Annual Oyster Festival in Veterans Park on Friday September 5, 2003, 5:00-11:00pm, Saturday September 6, 2003, 10:00am-11:00pm, Sunday September 7, 2003 from 10:00am to 9:00pm. The setup for the event would begin August 23, 2003 and conclude September 30, 2003. Estimated attendance 50,000+

Mr. Bondi recused himself from the Council Chambers at 9:50 p.m.

**** MR PERRONE MOVED THE ITEM FOR APPROVAL.**

**** MOTION PASSED WITH 10 VOTES IN FAVOR.**

Mr. Bondi returned to the Council Chambers at 9:51 p.m.

VIII. RESOLUTIONS FROM COUNCIL MEMBERS

There was no action on this item.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There was no action on this item.

X. SUSPENSION OF THE RULES

There was no suspension of the rules at this meeting.

XI. ADJOURNMENT

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

**** MOTION PASSED UNANIMOUSLY.**

Mr. Miklave adjourned the meeting at 9:45 p.m.

ATTEST: _____

Pam Stark, City Clerk