

Hon. Mark D. Boughton, Mayor

Common Council Members

Mayor Mark D. Boughton called the Common Council Meeting to order at 7:30 p.m. on Tuesday, May 1, 2007. Present were Council Members: Louise P. McMahon, Shailesh Nagarsheth, James H. Johnson, Charles Trombetta, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, Benjamin Chianese, John J. Esposito, Thomas J. Saadi, Joseph M. Cavo, Pauline R. Basso, Paul T. Rotello, Jane Diggs, Mary Teicholz, Robert T. Riley, Mary G. Saracino, Gregg W. Seabury, Colleen A. Stanley, and Lynn H. Taborsak.

Absent: Fred Visconti (On Vacation) PRESENT: 19, ABSENT: 1, VACANCY: 1

Also present were Jean Natale, City Clerk; Robert J. Yamin, Corporation Counsel; Laszlo L. Pinter, Deputy Corporation Counsel and Eric L. Gottschalk

PLEDGE OF ALLEGIANCE TO THE FLAG & A PRAYER:

Corporation Counsel Laszlo L. Pinter led everyone in the room in the Pledge of Allegiance. Councilwoman Stanley led everyone in the room in a prayer.

PUBLIC PARTICIPATION:

Elise C. Marciano, 179 Long Ridge Road, spoke in favor of Item 18, Parade and Public Assemblies.

Sunnye Rosasco, 31 Hillside Avenue, spoke in favor of Item 18, Parade and Public Assemblies.

Carl Foley, 24 Mountain Road, spoke on Item 17, Police Pension Revisions, as a former police officer had some concerns.

Shawn Toland, 8 West Street, representing El Canillita, spoke on Item 20, Newsracks/Vending Displays. Did not think ordinance is ready to be approved.

Christine Rotello, 42 Pleasant Street, spoke against Item 18, Parade and Public Assemblies.

Christine Halfar, 8 Settlers Hill Road, spoke against Item 18, Parade and Public Assemblies. She also spoke in favor of Item #26, Westwood Village.

Ken Gucker, 89 Padanaram Road, spoke against Item #18, Parade and Public Assemblies.

Leo Kundrat, 25 Padanaram Avenue, spoke in favor of Item 18, Parade and Public Assemblies.

Richard Rausch, 7 Ridge Road, representing Phi Delta Kappa, spoke against Item #18, Parade and Public Assemblies.

Patricia Bowen, 36 Valerie Lane, spoke against Item #18, Parade and Public Assemblies.

As no other member of the public wished to speak, Public Participation was closed at 8:07 p.m.

Mayor Boughton read the announcements for the month of May and welcomed back Councilwoman Mary Teicholz from sick leave.

MINUTES:

A motion was made by Councilman Cavo and seconded by Councilman Nagarsheth that the Common Council approve the Minutes of the Common Council Meeting of April 2, 2007 and Special Meeting held on March 19, 2007 as presented and to waive the reading of same as the Council have copies of the Minutes and are available in the City Clerk's office. The motion carried unanimously.

CONSENT CALENDAR:

Councilwoman Basso presented the following items for the Consent Calendar:

7. Receive the communication and approve the transfer of \$10,000 into the Fire Department Special Services Account #2010.5052 due to ongoing events.
- 8- Receive the communication and approve the request to sell two surplus fire pumpers to the highest bidder.
- 9- Receive the communication and approve the transfer of \$6930.00 from the Town Clerk budget line Historic Document Reserve Account in the amount of \$6000 to line item #1160.5701 and \$930 to line item 1160.5701.
- 13- Receive the communication and approve the acquisition of easements outlined therein.
- 14- Receive the communication and approve the resolution to authorize the named agencies to apply for and accept funding in the form of tax credits from the State of Connecticut Neighborhood Assistance Act.
- 15- Receive the communication and approve the resolution authorizing the City of Danbury Department of Health and Housing to apply for and accept funding from the State of Connecticut, Department of Public Health in the amount of \$694,416.
- 16- Receive the communication and approve the resolution to authorize the City of Danbury Police Department to apply for and accept funding from the State of Connecticut, Department of Transportation for the "2007 Memorial Day and Fourth of July Driving under the Influence Enforcement Program".
- 19- Report and Ordinance - Littering Regulations
Receive the report and approve the ordinance.
- 20- Report and Ordinance - Newsracks/Vending Displays
Receive the report and approve the ordinance.
- 21- Report and Ordinance – Citations
Receive the report and approve the ordinance.
- 24 – Ad Hoc Report - 109 Park Avenue - Sewer
Receive the report and approve the recommendations of the committee.
- 25- Ad Hoc Report - 109 Park Avenue - Water
Receive the report and approve the recommendations of the committee.

Councilwoman Taborsak asked that Item Nos. 19, 20 and 21 be removed from the Consent Calendar.

A motion was made by Councilman Cavo and seconded by Councilwoman Basso to accept the Consent Calendar with the removal of Item Nos. 19, 20 and 21. ***The motion carried unanimously.***

1. COMMUNICATION—Promotions – Danbury Fire Department:

City Clerk Natale read the letter from Mayor Mark D. Boughton requesting the confirmation of the following promotions in the Fire Department:

Robert J. Keenan Jr. as Assistant Chief, Councilman Johnson moved to confirm the appointment, seconded by Councilman Trombetta, ***motion carried unanimously***

Ronald T. Bowers as Captain; Councilman Johnson moved to confirm the appointment, seconded by Councilman Chianese, ***motion carried unanimously***

Thomas S. Corbett as Lieutenant, Councilman Johnson moved to confirm the appointment, seconded by Councilman Chianese, ***motion carried unanimously***

Fred Pollard as Lieutenant, Councilman Johnson moved to confirm the appointment, seconded by Councilman Cavo, ***motion carried unanimously.***

2. COMMUNICATION—Request for Ad Hoc – Charter Revision:

City Clerk Natale read the letter from Mayor Mark D. Boughton requesting an Ad Hoc Committee to start the process for Charter Revision.

Councilman Trombetta asked that this be referred to an Ad Hoc Committee and Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Charles Trombetta, Colleen Stanley and Paul Rotello to the Committee.

3. COMMUNICATION—Donation to Candlewood Park:

City Clerk Natale read the letter donating a bench to Candlewood Park in Memory of Patricia Schreiber by her sister Cynthia Schreiber. Councilwoman Stanley moved to accept the donation and send a letter of condolence and thanks and seconded by Councilman Chianese.

Councilwoman Taborsak asked Nick Kaplanis if the benches would remain. He stated they were still there.

Motion carried unanimously.

4. COMMUNICATION—Donation to the Danbury Library:

City Clerk Natale read the letter donating \$2000 to the Library by the Emerson Charitable Trust of Branson Ultrasonic's Corp. The money will be deposited to Libraryfund.4651. A motion was made by Councilman Nagarsheth and seconded by Councilman Chianese to receive the communication, accept the donation and send the appropriate letter of thanks. ***Motion carried unanimously.***

5. COMMUNICATION—Donation to the City Shelter from Macy's:

City Clerk Natale read the letter donating soup and crackers to the City Shelter by the staff at Macy's. A motion was made by Councilwoman Diggs and seconded by Councilwoman Basso to receive the communication, accept the donation and send the appropriate letter of thanks. ***Motion carried unanimously.***

6. COMMUNICATION—Donation to the City Shelter from WCSU:

City Clerk Natale read the letter donating Gift Cards to the City Shelter by the Ms. Kopfstein's Sociology class at WCSU. A motion was made by Councilman Seabury and seconded by Councilman Johnson to receive the communication, accept the donation and send the appropriate letter of thanks. ***Motion carried unanimously.***

7. COMMUNICATION—Transfer of Funds – Fire Department

The communication was received on the consent calendar and approved.

8. COMMUNICATION—Request for Disposal of Surplus Mack Fire Pumpers:

The communication was received on the consent calendar and approved.

9. COMMUNICATION—Funding Request from Town Clerk:

The communication was received on the consent calendar and approved.

10. COMMUNICATION—Candlewood Park Concession Lease:

City Clerk Natale read the communication from Recreation Director Nick Kaplanis recommending Debra Negri be granted a three year lease for the Concession stand at Candlewood Park. Ms. Negri was the selection of the Board of Awards.

A motion was made by Councilman Cavo and seconded by Councilwoman Basso to receive the communication and grant the lease. *A discuss followed regarding the lease. **The motion carried unanimously.***

11. COMMUNICATION—Request for Ad Hoc – Noise Ordinance:

City Clerk Natale read the letter requesting an Ad Hoc Committee to add to our present Noise Ordinance.

Councilwoman McMahon asked that this be referred to an Ad Hoc Committee along with the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Pauline Basso, Shay Nagarsheh and Fred Visconti to the Committee.

12. COMMUNICATION—Proposed Ordinance—Administration of Military Leave Service:

City Clerk Natale read the letter from the Democratic Caucus requesting an Ordinance for Military employees.

A motion was made by Councilman Trombetta to appoint an Ad Hoc Committee along with Corporation Counsel, Personnel Director and a Representative from the Mayor's Office. Mayor Boughton so ordered and appointed Council Members Jane Diggs, Pauline Basso and John Esposito to the Committee.

13. RESOLUTION—Acquisition of Easements – Birch Road:

The communication was received on the consent calendar and approved.

14. RESOLUTION—Neighborhood Assistance Act

The communication was received on the consent calendar and approved.

15. RESOLUTION— School Based Health Center:

The communication was received on the consent calendar and approved.

16. RESOLUTION— DUI Enforcement:

The communication was received on the consent calendar and approved.

17. REPORT & ORDINANCE- Police Pension Revisions:

A motion was made by Councilman Rotello and seconded by Councilman Seabury to waive the reading of the Ordinance as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried unanimously.***

Councilwoman Saracino moved to receive the Report and approve the Ordinance. The motion was seconded by Councilman Riley.

*A discuss followed regarding the ordinance. **The motion carried and the Ordinance was adopted with 16 Yes – 2 No and 1 Abstain (Councilman Saadi and Councilwoman Taborsak voting against. Councilwoman Teicholz abstained.)***

18. REPORT & ORDINANCE- Parade and Public Assemblies:

A motion was made by Councilwoman Saracino and seconded by Councilman Cavo to waive the reading of the Ordinance as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried unanimously.***

Councilman Seabury moved to receive the Report and approve the Ordinance. The motion was seconded by Councilman Trombetta.

A lengthy discuss followed regarding the ordinance.

Councilman Saadi moved to amend:

Section 11-15A to increase the number from 25 people to more than 100 people and remove Subsection D (Public Assemblies), and to limit the application restricting regulations to those events that will block sidewalks and streets as opposed to a broader definition covering public areas

Councilman Perkins seconded the motion

Discussion followed on the amendment

Councilman Chianese offered a friendly amendment to

Section 11-18(b) change 3 days requirement to 5 days

Councilmen Saadi and Perkins accepted the friendly amendment

Councilwoman Saracino moved to

Recommit the Ordinance back to an Ad Hoc Committee

Motion was seconded by Councilman Rotello

A Roll Call vote followed on the motion to recommit

McMahon – No; Nagarsheth – No; Johnson – No; Trombetta – No; Calandrino – No; Perkins- Yes; Chianese – Yes; Esposito – Yes; Saadi – Yes; Cavo – No; Basso – No; Rotello – Yes; Diggs – Yes; Teicholz – No; Riley – Yes; Saracino – Yes; Seabury – No; Stanley – Yes; Taborsak - Yes

The Mayor exercised his right to vote to create a tie and defeat the motion.

Councilman Saadi challenged the Mayor's right to vote, seconded by Councilman Chianese

A ruling from Corporation Counsel and Parliamentarian Eric Gottschalk gave the Mayor the right to make and/or break a tie

Councilman Saadi withdrew his objections after the ruling from Attorney Gottschalk

The amendment failed. (Yes – 10, No –10.)

After more discuss, Council Chianese withdrew his friendly amendment and a vote was taken on the amendment proposed by Councilman Saadi.

A Roll Call vote followed on the Amendment to:

Section 11-15A to increase the number from 25 people to more than 100 people and remove Subsection D (Public Assemblies), and to limit the application restricting regulations to those events that will block sidewalks and streets as opposed to a broader definition covering public areas

McMahon – No; Nagarsheth – No; Johnson – No; Trombetta – No; Calandrino – No; Perkins- Yes; Chianese – Yes; Esposito – Yes; Saadi – Yes; Cavo – No; Basso – No; Rotello – Yes; Diggs – Yes; Teicholz – No; Riley – Yes; Saracino – Yes; Seabury – No; Stanley – Yes; Taborsak – Yes

The Mayor exercised his right to vote to create a tie and defeat the motion

The amendment failed. (Yes – 10, No –10.)

Additional discuss on the main motion followed.

Councilwoman Basso moved the question; seconded by Councilman Cavo. The Mayor asked City Clerk Natale to call the roll on moving the questions

McMahon – Yes; Nagarsheth – Yes; Johnson – Yes; Trombetta – Yes; Calandrino – No; Perkins – No; - No; Chianese – No; Esposito – No; Saadi – No; Cavo – Yes; Basso – Yes; Rotello – No; Diggs – No; Teicholz – Yes; Riley – No; Saracino – Yes; Seabury – Yes; Stanley – Yes; Taborsak - No

The motion passed. (Yes – 10, No – 9.)

The Mayor asked the City Clerk to call the roll on the main motion to accept the Ordinance.

McMahon – Yes; Nagarsheth – Yes; Johnson – Yes; Trombetta – Yes; Calandrino – Yes; Perkins- No; Chianese – No; Esposito – No; Saadi – No; Cavo – Yes; Basso – Yes; Rotello – No; Diggs – No; Teicholz – Yes; Riley – No; Saracino – Yes; Seabury – Yes; Stanley – No; Taborsak – No

The motion passed and the Ordinance was adopted. (Yes – 10, No – 9.)

Councilwoman Teicholz left at 9:20 pm

19. REPORT & ORDINANCE- Littering Regulations:

A motion was made by Councilwoman Saracino and seconded by Councilman Perkins to waive the reading of the Ordinance as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried with 16 Yes and 2 No (Council members Perkins and Saadi voting against)***

Councilman Cavo moved to receive the Report and approve the Ordinance. The motion was seconded by Councilman Riley.

Councilwoman Taborsak asked the Corporation Counsel a few questions.

The motion carried and the Ordinance was Adopted with 17 yes and 1 No (Councilwoman Taborsak voting against)

20. REPORT & ORDINANCE- Newsracks/Vending Displays:

A motion was made by Councilman Seabury and seconded by Councilman Calandrino to waive the reading of the Ordinance as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried unanimously.***

Councilman Cavo moved to receive the Report and approve the Ordinance. The motion was seconded by Councilman Seabury.

Discussion on the Ordinance followed.

The motion carried and the Ordinance was Adopted with 17 yes and 1 No (Councilwoman Taborsak voting against)

21. REPORT & ORDINANCE- Citations:

A motion was made by Councilman Seabury and seconded by Councilman Riley to waive the reading of the Ordinance as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried unanimously.***

Councilman Cavo moved to receive the Report and approve the Ordinance. The motion was seconded by Councilman Chianese.

Councilwoman Taborsak asked the Antonio Iadarola, Director of Public Works, a few questions.

The Motion carried and the Ordinance was adopted unanimously.

22. REPORT & ORDINANCE-Appointment Membership and Terms (Charles Ives Authority for the Performing Arts:

Councilman Cavo read the report and moved its adoption. The motion was seconded by Councilwoman Basso.

Councilman Saadi stated his opposition to the taking over the Authority.

The motion carried and the Ordinance was adopted with 15 yes and 3 No (Councilpersons Saadi, Perkins and Taborsak voting against)

23. REPORT & ORDINANCE- Governmental Entities (Add Charles Ives Authority):

Councilman Cavo read the report. Councilwoman Stanley moved to accept the report and moved the adoption of the Ordinance. The motion was seconded by Councilman Chianese.

Discussion on the Ordinance followed.

The motion carried and the Ordinance was adopted with 15 yes and 3 No (Councilpersons Saadi, Perkins and Taborsak voting against)

24. AD HOC REPORT—109 Park Avenue - Sewer:

The communication was received on the consent calendar and approved.

25. AD HOC REPORT—109 Park Avenue - Water:

The communication was received on the consent calendar and approved.

26. AD HOC REPORT—Westwood Village:

A motion was made by Councilman Rotello and seconded by Councilman Riley to waive the reading of the Report as the Council have copies of the Ordinance and are available in the City Clerk's office. ***Motion carried unanimously.***

Councilman Cavo moved to accept the report and recommendations of the committee. The motion was seconded by Councilwoman Basso.

Discussion on the report followed with questions to David Day, Superintendent of Public Utilities and Director of Public Works Antonio Iadarola.

The motion passed unanimously.

27. DEPARTMENT REPORTS—Police, Fire, Fire Marshall, Elderly Services, Health-Housing & Welfare, Dream Homes, Public Works, Permit, Unit, Library:

A motion was made by Councilman Cavo and seconded by Councilman Perkins to receive the communication and accept the Department Reports as presented.

A discussion was held on the reports.

Councilman Calandrino moved the question; it was seconded by Councilman Saadi.

Motion passed 16 Yes to 2 No (Councilman Perkins and Saracino voted no)

Mayor Boughton extended all committees.

A motion was made by Councilman Basso and seconded by Councilman Johnson that the Common Council Meeting be adjourned. ***The motion carried unanimously at 9:50 pm.***

Respectfully submitted,

Jeanette Nicosia
Recording Secretary

Attest,
Mark D. Boughton, Mayor