

Honorable Mark D. Boughton, Mayor

Common Council Members

Mayor Mark D. Boughton called the Common Council Meeting to order at 7:30PM on Tuesday, May 6 2008.

Present were Council Members: Louise P. McMahon, Shay Nagarsheth, James H. Johnson, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, Benjamin Chianese, John J. Esposito, Thomas J. Saadi, Joseph M. Cavo, Paul T. Rotello, Jane Diggs, Mary Teicholz, Robert F. Arconti, Jack Knapp, Warren M. Levy, Gregg Seabury, Colleen A. Stanley

Absent were Council Members: Curran and Trombetta who were out of town

PRESENT: 19 ABSENT: 2

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

PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER:

Chief of Staff Michael McLachlan led everyone in the room in the Pledge of Allegiance. Councilwoman Teicholz led everyone in the room in a prayer.

PUBLIC PARTICIPATION:

Charles Setaro, 27 Deer Hill Avenue spoke regarding the Police Department Monthly Report, enforcement actions and UNIT enforcement actions

Charlotte Barrows, 55 Hospital Avenue opposed to #17

Ken Gucker, 89 Padanarm Road spoke regarding #20

Lynn Taborsak, 110 Hayestown Road opposed to #20

Pauline Basso, 8 Hoyt Street spoke regarding #20 and opposed #17

Margaret Mitchell, property owner at Main Street and Park Place, opposed to any tax increases

Lynn Waller, 83 Highland Avenue spoke regarding #24, opposed #17 and #3, in favor of #6

Carl Sayer, 2 Spruce Mountain submitted a document

Public discussion was closed at 8:02PM

Mayor Boughton introduced Shawn Stillman, the newly appointed UNIT Coordinator, and read the announcements for the month of May.

MINUTES:

Councilman Cavo moved to accept the minutes of April 1, 2008 and to waive the reading of same, as the Council members have copies and they are on file in the City Clerk's Office. The motion was seconded by Councilman Perkins. ***Motion passed by unanimous vote.***

CONSENT CALENDAR:

Councilman Seabury presented the following items for the Consent Calendar:

2 - COMMUNICATION- Appointments to the Tarrywile Park Authority

Receive the communication and confirm the appointments of Warren W. Platz and Janet Harner as members of the Tarrywile Park Authority, with terms to expire January 1, 2011.

4 - COMMUNICATION - Tax Deferral Program for Elderly Homeowners

Receive the communication and refer to a Public Hearing.

12 - COMMUNICATION - Transfer of Funds - Fire Department

Receive the communication and approve the transfer of \$30,000.00 into the Fire Department Special Services Account #2010.52, due to ongoing events.

13 - COMMUNICATION - Amendment to Ordinances, Section 1-7 - General Penalties

Receive the communication and refer to a Public Hearing.

14 - COMMUNICATION - Amendment to Ordinances, Section 12-34 - Citations

Receive the communication and refer to a Public Hearing.

15 - COMMUNICATION - Amendment to Ordinances, Section 2-176 - Government Entities

Receive the communication and refer to a Public Hearing.

16 - COMMUNICATION - Amendment to Ordinances, Section 8-17 - Fire Marshall Orders

Receive the communication and refer to a Public Hearing.

18 - COMMUNICATION - Request for Sewer - 7 and 9 Zinn Road

Receive the communication and refer to Engineering and Planning for reports.

19 - COMMUNICATION - Water Easement Exchange - 115 Mill Plain Road

Receive the communication and refer to Engineering and Planning for reports.

22 - RESOLUTION - WIC Grant - Farmers Market Program

Receive the communication and adopt the Resolution to authorize the Danbury WIC Office to sign an agreement with the State Department of Agriculture for \$712.00 for the Farmer's Market Coupon Program.

23 - RESOLUTION - WIC Grant - Additional Funding Request

Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Scott LeRoy to accept additional funding from the State of Connecticut Department of Public Health for the WIC Program.

24 - RESOLUTION - 2008 Neighborhood Assistance Act

Receive the communication and refer to a Public Hearing.

26 - RESOLUTION - SBHC - Additional Funding

Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Scott LeRoy to accept additional funding from the State of Connecticut Department of Health for continuing development of the new School Based Health Center site at Rogers Park Middle School.

27 - RESOLUTION - LOCIP - 2007-2008 Application

- A. Replace Valves/Traps- Park Avenue School
- B. Replace Burners - Mill Ridge Intermediate
- C. Sidewalk Repairs
- D. White Street Streetscape
- E. Rogers Park Field Repairs

Receive the communication and adopt the Resolutions.

Councilwoman Teicholz moved to accept the Consent Calendar as presented. The motion was seconded by Councilman Visconti. ***Motion passed by unanimous vote.***

1 - COMMUNICATION - Appointment - Danbury Police Department

City Clerk Natale read the communication. Councilman Arconti moved to receive the communication and affirm the appointment of Hector Rodriguez to the Danbury Police Department. The motion was seconded by Councilman Seabury. ***Motion passed by unanimous vote.***

2 – COMMUNICATION - Appointments to the Tarrywile Park Authority

The communication was received on the Consent Calendar and approved.

3 - COMMUNICATION - Berkley Holding Corporation

Clerk Natale read the communication. Councilman Riley moved to refer to Ad Hoc with the Airport Administrator, a representative from the Mayor’s Office, Corporation Counsel, a representative from Berkly Berkly Holdings and a report from Planning. The Committee shall consist of Council Members Calandrino, Curran and Visconti.

4 - COMMUNICATION-Tax Deferral Program for Elderly Homeowners

The communication was received on the Consent Calendar and referred to a Public Hearing.

5 - COMMUNICATION - Charles Ives Authority - Property Acquisitions

Clerk Natale read the communication. Councilman Calandrino moved to refer to Ad Hoc with a representative from the Mayor’s Office, Corporation Counsel, the Director of Finance, a representative from the Ives Authority and a report from Planning. The Committee shall consist of Council Members Knapp, Rotello and Diggs.

6 - COMMUNICATION - Grant Agency Review Committee

Clerk Natale read the communication. Councilman Knapp moved to refer to Ad Hoc with the Director of Health, Welfare and Housing, the Director of Finance, Corporation Counsel and a representative from the Mayor’s Office. The Committee shall consist of Council Members Cavo, Seabury, Teicholz, Saadi and Esposito.

7 - COMMUNICATION - Donations to the Danbury Library

Clerk Natale read the communication. Councilman Nagarsheth moved to receive the communication and accept the donation. The motion was seconded by Councilwoman McMahon. ***Motion passed by unanimous vote.***

8 - COMMUNICATION - Donations to the Danbury Library in Memory of Betty J Hull

Clerk Natale read the communication. Councilman Nagarsheth moved to receive the communication and accept the donations. The motion was seconded by Councilwoman McMahon. ***Motion passed by unanimous vote.***

9 - COMMUNICATION - Donation - Tree - Danbury Town Park

Clerk Natale read the communication. Councilman Johnson moved to receive the communication and accept the donation. The motion was seconded by Councilman Nagarsheth. ***Motion passed by unanimous vote.***

10 - COMMUNICATION - Donation- Generator and Trailer- Public Utilities Department

Clerk Natale read the communication. Councilman Johnson moved to receive the communication and accept the donation. The motion was seconded by Councilman Cavo. Discussion followed. ***Motion passed by unanimous vote.***

11 - COMMUNICATION - Donations for National Public Works Week

Clerk Natale read the communication. Councilman Calandrino moved to receive the communication and accept the donations. The motion was seconded by Councilman Arconti. ***Motion passed by unanimous vote.***

12 - COMMUNICATION - Transfer of Funds- Fire Department

The communication was received on the Consent Calendar and approved.

13 - COMMUNICATION - Amendment to Ordinances, Section 1-7- General Penalties

The communication was received on the Consent Calendar and referred to a Public Hearing.

14 - COMMUNICATION - Amendment to Ordinances, Section 12-34 - Citations

The communication was received on the Consent Calendar and referred to a Public Hearing.

15 - COMMUNICATION - Amendment to Ordinances, Section 2-176 - Government Entities

The communication was received on the Consent Calendar and referred to a Public Hearing.

16 - COMMUNICATION - Amendment to Ordinances, Section 8-17 - Fire Marshall Orders

The communication was received on the Consent Calendar and referred to a Public Hearing.

17 - COMMUNICATION - Lease - 84 Hospital Avenue

Clerk Natale read the communication. Councilman Saadi moved to refer to Ad Hoc with the Director of Public Works, Corporation Counsel and a report from Planning. The Committee will consist of Council Members Knapp, Chianese and Seabury. Councilman Chianese advised that he would be unavailable to serve on the Committee, therefore Councilman Visconti was appointed.

18 - COMMUNICATION - Request for Sewer - 7 and 9 Zinn Road

The communication was received on the Consent Calendar and referred to Engineering and Planning for reports.

19 - COMMUNICATION - Water Easement Exchange - 115 Mill Plain Road

The communication was received on the Consent Calendar and referred to Engineering and Planning for reports.

20 - ORDINANCE & RESOLUTION - An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2008 and ending June 30, 2009 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009

Councilman Cavo moved to receive the communication, adopt the ordinance and the tax Resolution levying the tax for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

A. General Government 1 Budget Report

Councilman Seabury read the report. Councilman Cavo moved to receive and accept the report as presented. The motion was seconded by Councilman Nagarsheth. Councilman Saadi noted for the record that the final vote was to adopt the proposed budget. Councilmen Rotello, Perkins, and Levy voted in the negative. ***Motion passed 16 yes – 3 no.***

B. General Government II Budget Report

Councilwoman Teicholz read the report. Councilman Calandrino moved to receive and accept the report as submitted. The motion was seconded by Councilman Johnson. The City's portfolio with regard to its return was discussed. Councilmen Rotello, Perkins and Levy voted in the negative. ***Motion passed 16 yes – 3 no.***

C. Education Budget Report

Councilwoman Stanley read the report. Councilman Nagarsheth moved to receive and accept the report as submitted. The motion was seconded by Councilman Johnson. Councilman

Calandrino discussed his reluctance to vote in favor of the Education Budget and *requested information regarding the attendance of nonresidential students who are children of staff members attending Danbury Schools.* Among other things, Councilmen Saadi, Visconti and Levy stated their reasons for not supporting the budget request. Councilman Chianese discussed *salaries, classroom funding and the Honeywell Contract.* Councilman Saadi and Councilman Riley *discussed the Honeywell Lease.* A Roll Call vote was taken as follows: Nagarsheth, Johnson, Calandrino, Cavo, Seabury, Teicholz, Arconti, Knapp, Riley and Stanley voted in favor; McMahon, Perkins, Visconti, Chianese, Esposito, Saadi, Rotello, Diggs and Levy voted in the negative. ***Motion passed 10 yes - 9 no.***

D. Public Works Budget Report

Councilman Johnson read the report. Councilman Seabury moved to receive and accept the report as submitted. The motion was seconded by Councilman Riley. Councilman Saadi moved to eliminate the funding for the Ives Center. Seconded by Councilman Chianese. *Discussion followed regarding the funding for the salary of the Ives Center Director by Councilman Chianese.* Councilman Cavo stated that he would *support the funding for the Ives Center without the proposed amendment.* Councilman Rotello inquired as to the consequence of deleting the funding. The Mayor *stated that there would be no programs this summer, the Director has fundraising goals to meet and reminded the Council that they approved funding for the CT Film Festival. The goal is to make the Ives Center self-supporting eventually.* A vote was taken on "defunding" the Ives Center. Councilmen Chianese, Saadi and Visconti voted in favor. All others opposed. ***Motion failed 3 yes - 16 no.***

Discussion followed regarding overtime salaries for the Public Works Department and the Danbury Museum Authority. It was noted that there was no one present from the Danbury Museum Authority. Councilman Chianese stated that the authorities should be accountable to the Council and suggested reports be submitted. Mayor Boughton stated that feedback from the authorities on a quarterly basis would be acceptable.

The vote on the main motion was taken with Councilmen Chianese, Perkins, Saadi and Levy voting in the negative. ***Motion passed 15 yes - 4 no.***

E. Health & Housing, Public Safety, Welfare & Social Services Budget Report

Councilwoman Diggs read the report. Councilwoman Teicholz moved to receive and accept the report as submitted. The motion was seconded by Councilman Johnson. There was no discussion. Councilmen Perkins, Rotello and Levy voted in the negative of the motion. ***Motion passed 16 yes – 3 no.***

F. Grant Agencies Budget Report

Councilman Riley read the report. Councilman Cavo moved to receive and accept the report. The motion was seconded by Councilman Knapp. Councilwoman Diggs discussed her reasons for voting against the budget for Grant Agencies. Councilwoman Diggs moved to amend the Grand Agency funding to include the Hispanic Center in the amount of \$27,000. The motion was seconded by Councilman Chianese. Councilman Riley requested the Director of the Hispanic Center to step forward to address the Council. Ms. Colon gave an overview of the re-alignment of programs, in particular, ESL, health education, advocacy and legal education. Councilman Cavo stated that the funding for the Hispanic Center went to an Ad Hoc last January, the Committee has not met and the process must be followed. Councilwoman Diggs asked for clarification between the Ad Hoc and Budget. The Mayor gave a brief history stating that no funding was allocated in the 2007-2008 Budget, \$25,000 was requested, an Ad Hoc was formed, but did not meet, and the current motion is to add \$27,000 to the 2008-2009 Budget. A roll call vote was taken. Perkins, Visconti, Chianese, Esposito, Rotello, Diggs and Riley voted in favor. McMahon, Nagarsheth, Johnson, , Calandrino, Cavo, Seabury, Teicholz, Arconti Knapp, and Stanley voted in opposition. Councilmen Saadi and Levy abstained. ***The amendment failed 7 yes - 10 no - 2 abstentions.***

Councilman Chianese moved to add funding for Children's Aid in the amount of \$4,000. The motion was seconded by Councilman Visconti. The agency submitted their application after the required deadline. Discussion followed. *It was noted that Councilman Saadi recused himself from discussion due to a conflict of interest.* A roll call vote was taken. McMahon, Johnson, Perkins, Visconti, Chianese, Esposito, Rotello, Knapp, and Riley voted in favor. Nagarsheth, Calandrino, Cavo, Seabury, Diggs, Teicholz, Arconti, and Stanley voted no. Saadi and Levy abstained. ***The motion passed 9 yes - 8 no - 2 abstentions. Although the motion passed but the 14 vote threshold to change the Mayor's Budget was not met.***

A roll call vote was taken on the main motion to receive and accept the report (Grant Agencies Budget Report). McMahon, Nagarsheth, Johnson, Calandrino, Visconti, Esposito, Cavo, Seabury, Rotello, Teicholz, Arconti, Knapp and Stanley voted in favor, Perkins, Chianese, Levy, Diggs and Riley voted no, Councilman Saadi abstained. ***The motion passed 13 yes - 5 no – 1 abstention. Although the motion passed but the 14 vote threshold to change the Mayor's Budget was not met.***

Mayor Boughton stated, for the record, that the funding for the War Memorial was defeated and extended Council members the opportunity to change their votes. No changes were made. The budget was adopted as presented by the Mayor.

Council Members Levy, Perkins and Saadi discussed their reasons for opposing the budget. Councilman Cavo thanked the members of the Council for their long hours of thoughtful consideration of the City's financial affairs. The vote was taken with Perkins, Visconti, Chianese, Esposito, Saadi, Rotello and Levy voting in the negative. ***The motion passed 12 yes - 7 no. The budget was adopted as presented by the Mayor.***

21 - RESOLUTION - Phase In of October 1, 2007 Assessment

City Clerk Natale read the Resolution. Councilman Cavo moved to receive and adopt the Resolution. The motion was seconded by Councilman Chianese. Director of Finance, David St. Hilaire gave an overview of the assessment phase-in. ***Motion passed by unanimous vote.***

22 - RESOLUTION - WIC Grant - Farmers Market Program

The Resolution was received on the Consent Calendar and adopted.

23 - RESOLUTION - WIC Grant - Additional Funding Request

The Resolution was received on the Consent Calendar and adopted.

24 - RESOLUTION - 2008 Neighborhood Assistance Act

The Resolution was received on the Consent Calendar and referred to a Public Hearing.

25 - RESOLUTION - FEMA Fire Department Grant

City Clerk Natale read the Resolution. Councilman Johnson moved to accept and adopt the Resolution. The motion was seconded by Councilman Nagarsheth. ***Motion passed by unanimous vote.***

26 - RESOLUTION - SBHC - Additional Funding

The Resolution was received on the Consent Calendar and adopted.

27 - RESOLUTION - LOCIP - 2007-2008 Application

- A. Replace Valves/Traps- Park Avenue School
- B. Replace Burners - Mill Ridge Intermediate
- C. Sidewalk Repairs
- D. White Street Streetscape
- E. Rogers Park Field Repairs

The Resolution was received on the Consent Calendar and adopted.

28 – DEPARTMENT REPORTS -

Councilman Cavo moved to waive the reading of the Department Reports as all members have copies and same is on file with the City Clerk. The motion was seconded by Councilman Perkins. ***Motion passed by unanimous vote.***

Councilman Cavo moved to add item #29. The motion was seconded by Councilman Nagarsheth. ***Motion passed by unanimous vote.***

29 - RESOLUTION - Beaver Street Cooperative, Inc. Abatement from State of CT

Councilwoman Teicholz moved to receive and adopt the Resolution. The motion was seconded by Councilman Visconti. ***Motion passed by unanimous vote.***

Mayor Boughton extended all committees.

There being no further business to come before the Common Council, a motion was made at 10:35 P.M. by Councilman Rotello for the meeting to be adjourned. The motion was seconded by Councilman Saadi. ***Motion carried by unanimous vote.***

Respectfully submitted,

Doratheia Gulya-Stasny
Recording Secretary

Attest,
Mark D. Boughton, Mayor