

Honorable Mark D. Boughton, Mayor

Common Council Members

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

**Present were Council members:** 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, Philip Curran, Jack Knapp, Warren M. Levy, Gregg Seabury and Colleen A. Stanley

**PRESENT: 18 ABSENT: 3**

Councilwoman McMahon was attending a family event, Councilman Trombetta was out of town on business and Councilman Riley had a death in the family.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER:**

Michael McLaughlin led everyone in the room in the Pledge of Allegiance. Councilman Curran led everyone in the room in a prayer.

**PUBLIC PARTICIPATION:**

William Montgomery 19 Delno Dr. spoke on item #21.  
Don Taylor 94 Great Plain Rd. spoke on items #21 and #25.  
Lorraine Seder 224 Great Plain Rd. spoke item #21.  
Joseph Taborsak Hayestown Rd. spoke on items #7 and #21.  
Gary Sivacek- 114 Stadley Rough Rd. spoke on item #21.  
Public speaking closed at 7:47PM.

The announcements for the of October month were read.

**MINUTES** - Councilman Cavo moved to accept the minutes of September 2, 2008 and to waive the reading of same, as the Council members have copies and copies are on file in the City Clerk's Office. Seconded by Councilman Perkins. **Motion passed by unanimous vote.**

**CONSENT CALENDAR**

Councilman Seabury presented the following items for the Consent Calendar:

2-Receive the communication and accept the donation, up to \$500.00 for travel expenses from the Institute for International Research for Lt. Shaun McColgan to represent the Police Pension Board as a presenter at a national forum.

4-Receive the communication and accept the donations to the Fire Department in Memory of J.R. Starnes and Donald Tierney and send the appropriate letters of thanks.

9- Receive the communication and refer to a Public Hearing.

10-Receive the communication and approve the transfer of \$1500.00 from the Recreation Department Revenue account 1000.4654 to 7002.5311 Professional Services account.

13-Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton to apply for and accept funding from the Connecticut Department of Social Services for the City's Homeless Shelter covering a two year period from 10/1/08 – 9/30/10, with \$103,676 being allocated for each year.

14-Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to accomplish the assignment of certain real estate liens to American Tax Funding, LLC.

15-Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton or Scott LeRoy to accept additional funding from the State of Connecticut, Department of Public Health in the amount of \$366.71.

16- Receive the report and approve the request for water extension at 22 Shelter Rock Lane, subject to compliance with the Zoning Regulations, the required City Engineering Department conditions and submission of plans and documents satisfactory to Corporation Counsel.

17- Receive the report and approve the request for Sewer extension at 1 Mendes Road, subject to compliance with the Zoning Regulations, the required City Engineering Department conditions and submission of plans and documents satisfactory to Corporation Counsel.

18-Receive the report and approve the sidewalk easement at 84 Hospital Avenue.

19- Receive the report and approve the request for sewer extension at 28 & 30 Tamarack Avenue, subject to compliance with the Zoning Regulations, the required City Engineering Department conditions and submission of plans and documents satisfactory to Corporation Counsel.

20-Receive the reports and approve the recommendations.

22-Receive the report and adopt the Resolution authorizing the Energy Conservation and Savings Program.

23- Receive the report and refer to a Public Hearing.

24-Receive the report and recommit to Ad Hoc for redrafting.

25-Receive the report and adopt the Ordinance, Real property tax abatement on open space in exchange for the transfer of certain rights to the city, Section 18-29.

26-Receive the report and refer to the Planning Department for a survey.

Councilwoman Teicholz moved to accept the Consent Calendar as presented. Councilman Nagarsheth seconded the motion. **The motion carried by unanimous vote.**

- 1 – COMMUNICATION - [Promotion to the Fire Department](#)  
City Clerk Natale read the communication. Councilman Johnson moved to receive the communication and confirm the appointment. Councilman Visconti seconded the motion.  
**Motion passed by unanimous vote.**
- 2 – COMMUNICATION - [Donation – Police Pension Board](#)  
The communication was received on the Consent Calendar and the donation accepted.
- 3 – COMMUNICATION - [Donations to the Danbury Library](#)  
City Clerk Natale read the communication. Councilman Nagarsheth moved to receive the communication and accept the donations. Councilman Chianese seconded the motion.  
**Motion passed by unanimous vote.**
- 4 – COMMUNICATION - [Donations to the Fire Department](#)  
The communication was received on the Consent Calendar and the donations accepted.
- 5 – COMMUNICATION - [Donation to the Police Department - D.A.R.E. Program](#)  
Councilwoman Stanley moved to receive the communication and accept the donation. Councilman Seabury seconded the motion. **Motion passed by unanimous vote.**
- 6 – COMMUNICATION - [Donation to the Police Department - Police Explorer Program](#)  
City Clerk Natale read the communication. Councilman Arconti moved to receive the communication and accept the donation.
- 7 – COMMUNICATION - [Pocono Lane – Exchange of Land](#)  
Councilman Knapp requested referral to an Ad Hoc and Public Hearing with Corporation Counsel, the Director of Public Works and the Planning Director. The committee will consist of Councilman Knapp, Councilwoman Teicholz and Councilman Saadi.
- 8 – COMMUNICATION - [Renovations and Lease Amendment – Union Savings Bank](#)  
Councilwoman Stanley requested referral to an Ad Hoc with Corporation Counsel, the Director of Finance and a representative from Union Savings Bank. The committee will consist of Councilman Johnson, Councilwoman Stanley and Councilman Perkins.
- 9 – COMMUNICATION - [Amendment of Code of Ordinances – Section 19-4](#)  
The communication was received on the Consent Calendar and referred to a Public Hearing.
- 10 – COMMUNICATION - [Budget Amendment – Park and Recreation](#)  
The communication was received on the Consent Calendar and the transfer approved.
- 11 – COMMUNICATION - [Request for Sewer – Saw Mill Road \(Ann’s Place\)](#)  
Councilman Cavo requested referral to the Planning and Engineering Departments for reports.
- 12 – COMMUNICATION - [Request for Extension of Fire Hydrant](#)  
Councilman Calandrino requested referral to the Planning and Engineering Departments for reports.
- 13 – RESOLUTION - [Homeless Shelter Grant](#)  
The communication was received on the Consent Calendar and the Resolution adopted.
- 14 - RESOLUTION - [Assignment of Real Estate Liens](#)  
The communication was received on the Consent Calendar and the Resolution adopted.

15 - RESOLUTION - [Per Capita Grant Additional Funding](#)

The communication was received on the Consent Calendar and the Resolution adopted.

16 – REPORT - [Water – 22 Shelter Rock Lane](#)

The report was received on the Consent Calendar and approved.

17 - REPORT - [Sewer - 1 Mendes Road](#)

The report was received on the Consent Calendar and approved.

18 – REPORT - [Sidewalk Easement – 84 Hospital Avenue](#)

The report was received on the Consent Calendar and approved.

19 - REPORT - [Sewer – 28 & 30 Tamarack Avenue](#)

The report was received on the Consent Calendar and approved subject to conditions.

20 – REPORT - [Two Wheel Vehicles](#)

The report was received on the Consent Calendar and the recommendations approved.

21 – AD HOC REPORT - [Preservation of Open Space](#)

Councilman Rotello recused himself from discussion and voting on the item. Councilman Cavo read the report. Councilman Seabury moved to accept the report and refer the item to Planning for a report. Councilman Cavo seconded the motion. Councilmen Seabury and Cavo thanked the Taylor family for providing the opportunity to preserve 30+ acres of open farm land. By purchasing the development rights, the City is afforded an extraordinary opportunity to ensure that the property retains its predominant use for agriculture and farming forever.

Councilman Saadi spoke in favor and stated that the conservation rights, once filed on the land records, preserves the land for agricultural use in perpetuity. The City's first right of refusal, as well as the conservation rights remain on the land records taking precedence over any future transfers of the property. The structure of the Property Rights and Covenants and Contract of Sale were discussed. The City will have the right to purchase the land at 50% of the reduced fair market value at some point in time.

Councilmen Perkins and Levy also spoke in favor and made inquiries. Mr. St. Hilaire explained that the annual payments would come from the Open Space Bond. Councilman Levy inquired concerning access by the public. Since the property ownership remains with the Taylors', the public does not have egress rights at this time. Mr. Taylor assured the Council that the community gardens will remain, and in fact, be expanded. **Motion passed by unanimous vote.**

22– AD HOC REPORT & RESOLUTION - [Energy Conservation Tax Credit](#)

The report was received on the Consent Calendar and the Resolution adopted.

23 – AD HOC REPORT & ORDINANCE - [Snow Emergency Protocol](#)

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

24 – REPORT & ORDINANCE – [Awarding of Contracts – Section 2-152](#)

The report was received on the Consent Calendar and recommitted to Ad Hoc for redrafting.

25 - REPORT & ORDINANCE – [Property Tax Abatement on Open Space – Section 18-29](#)

The report was received on the Consent Calendar and the Ordinance adopted.

26 – REPORT - [Sheridan Street Renumbering](#)

The report was received on the Consent Calendar and referred to the Planning Department for a survey.

27 – DEPARTMENT REPORTS – [Police](#), [Fire](#), [Health-Housing & Welfare](#), [Dream Homes](#), [Public Works](#), [Permit Center](#), [Unit](#), [Elderly Services](#), [Library](#)

Councilman Cavo moved to waive the reading of the Department Reports. Councilman Perkins seconded the motion. **Motion passed by unanimous vote.**

All committees were extended.

There being no further business to come before the Common Council a motion was made at 8:28P.M. by Councilman Saadi to adjourn the meeting. Seconded by Councilman Nagarsheth. **Motion passed by unanimous vote.**

Respectfully submitted,

Doratheia Gulya-Stasny

Recording Secretary

Attest,

Mark D. Boughton, Mayor