

Honorable Mark D. Boughton, Mayor
City Council Members

Mayor Mark D. Boughton called the City Council Meeting to order at 7:30 PM on Tuesday, April 6, 2010.

Present were Council members: Robert Arconti, Philip Curran, Nancy Deep-Damici, Robert Riley, Colleen A. Stanley, Donald Taylor, Philip Colla, Shay Nagarsheth, Joseph Cavo, Thomas Saadi, Fred Visconti, Charles Trombetta, Jack Knapp, Peter Nero, Duane E. Perkins, Benjamin Chianese, Paul T. Rotello, Mary Teicholz, Sal Tumino

Councilman Halas was called out of town on business.

PRESENT: 20 ABSENT: 1

Robert J. Yamin, Corporation Counsel and Laszlo L. Pinter, Deputy Corporation Counsel were also present. Jean Natale, Legislative Assistant was absent due to a death in the family.

PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER: Laszlo Pinter, Deputy Corporation Council led everyone in the room in the Pledge of Allegiance. Councilman Curran led everyone in the room in a prayer.

PUBLIC PARTICIPATION:

Irving Fox, BOE Chair- 58 Wedgewood Drive spoke in favor of items #7 and #12.

Kathy (inaudible) spoke in favor of items #7 and #12.

Elise Marciano- 179 Long Ridge Road addressed items #1 and #17.

Mark Nolan 16 Southern Boulevard addressed items #1, #2, #3, #4 and spoke in favor of #5 and #14.

Joel Urice- 44 Olympic Drive spoke in favor of item #8.

Mayor Boughton read the announcements for the month of April.

BUDGET ADDRESS

Mayor Boughton gave the Annual Budget Address. Mayor Boughton emphasized his commitment to maintaining services with less funding and stated that he looks forward to working with all members of the Council.

MINUTES – Councilman Cavo moved to waive the reading of the minutes of the Common Council Meeting held on March 2, 2010 as Council members have copies and copies are also available in the Legislative Assistant's Office, seconded by Councilman Nagarsheth. **Motion passed by unanimous vote.**

CONSENT CALENDAR

Councilman Seabury presented the following items for the Consent Calendar:

9 – Receive the communication and accept the donation of \$500.00 from the Firematic Supply Company to be used towards presenting the "2010" Firefighters and Fire Officers Survival Program and send the appropriate letter of thanks.

10 – Receive the communication and refer the **request to the City Engineer, Corporation Council and the Planning Department for reports.**

11 – Receive the communication and refer the **request to the City Engineer for a report.**

14 – Receive the communication and adopt the Resolution which will allow the City of Danbury to apply for and accept funding in the amount of \$190,000.00 from the U.S. Dept of Housing and Urban Development for the Economic Development Initiative.

15 - Receive the communication and adopt the Resolution which will allow the City of Danbury to apply for and accept funding from the Northwest Regional Workforce Investment Board for a Youth Employment Program. The amount of this request is not to exceed \$36,054.00

16 - Receive the communication and **refer the same to a Public Hearing.**

17 - Receive the communication and adopt the Resolution which will allow the City of Danbury Health and Human Services Department to accept funding in the amount of \$4,000.00 from the Federal Emergency Management Agency through the United Way to be used for the City's Homeless Shelter operations.

18 - Receive the communication and adopt the Resolution which will allow the City of Danbury Health and Human Services Department to apply for a "Lead Poison Prevention" program offered by the State of Connecticut Department of Health through the Connecticut Association of Directors of Health. The amount of this request is not to exceed \$6,568.00

19 - Receive the communication and adopt the Resolution which will allow the City of Danbury to enter into collaboration with Western Connecticut State University. The proposed "Student Education Affiliation Agreement" would allow students to work with clients at the Homeless Shelter and provide students with supervised field work experience and at the same time provide valuable clinical services to the clients.

20 - Receive the communication and adopt the Resolution which will allow the City of Danbury to accept funding from the Connecticut State Library. The amount of the request, not to exceed \$589.00, will be used by the Danbury Public Library to pay for programs geared towards the Spanish speaking population.

21 - Receive the communication and adopt the Resolution which will allow the City of Danbury to obtain the acquisition of easements of Interstate Business Center, LLC tax assessor's lot C14011 in connection with a sanitary sewer project. The resolution also authorizes easements to properties on the adjacent property of the Danbury Acquisition Corporation, tax assessor's lot C14040.

24 - Receive the communication and accept the report of the "Committee of the Whole" and adopt the Resolution to amend the "Health and Human Services Fees Code of Ordinances, Sections 9-8 & 11-7" as presented.

Councilman Taylor moved to accept the Consent Calendar as presented, seconded by Councilman Knapp. Councilman Taylor thanked Mark Nolan for his honorable work on the Housing for Heroes project. **Councilman Saadi moved to remove item #24 from the Consent Calendar**, seconded by Councilman Knapp. ***Motion passed by unanimous vote.***

1 - ORDINANCE & RESOLUTION - An Ordinance Making Appropriations for the Fiscal Beginning July 1, 2010 and ending June 30, 2011 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011

Councilman Cavo requested referral of this item to a Public Hearing. Mayor Boughton so ordered.

2 - ORDINANCE - An Ordinance Appropriating \$3,000,000 for Public Improvements in The 2010-2011 Capital Budget and Authorizing the Issuance of \$3,000,000 Bonds of the City to Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Councilman Knapp requested referral of this item to a Public Hearing. Mayor Boughton so ordered.

3 - ORDINANCE - Sewer Rates as of July 1, 2010

Councilman Knapp requested referral of item this item to a Public Hearing. Mayor Boughton so ordered.

4 - ORDINANCE - Water Rates as of July 1, 2010

Councilman Cavo requested referral of this item to a Public Hearing. Mayor Boughton so ordered.

5 - RESOLUTION - Downtown Special Services District - Tax Levy

Councilman Cavo moved to table item #5 for the May 2010 Council meeting, seconded by Councilman Chianese. ***Motion passed by unanimous vote.***

6 - RESOLUTION - Maintenance of the 2009 Phase-in on the Assessed Value of Real Property

Councilman Cavo moved to table item #6 for the May 2010 Council meeting.

7 - COMMUNICATION - BOE Administrators Contract

Councilwoman Stanley moved to reject the BOE Administrators Contract, seconded by Councilman Arconti. ***Motion passed by unanimous vote.***

8 - COMMUNICATION - Tax Freeze Program for Elderly Homeowners

Councilman Trombetta requested referral to an ad hoc committee with a representative from the Mayor's Office, Corporation Counsel, Tax Assessor and the Director of Finance. Mayor Boughton so ordered and appointed Councilman Knapp, Councilman Seabury and Councilman Visconti to the committee.

9 - COMMUNICATION - Donation to the Fire Department

The communication was received on the Consent Calendar and the donation accepted.

10 - COMMUNICATION - Request for Water - 2 & 4 Brushy Hill Road

The communication was received on the Consent Calendar and the request referred to the City Engineer, Corporation Council and the Planning Department for reports.

11 - COMMUNICATION - Request for Time Extension - Sewer/Water Reynolds Road

The communication was received on the Consent Calendar and the request referred to the City Engineer for a report.

12 - RESOLUTION - BOE - Fibertech Networks, LLC - Broadband Service

The clerk read the communication. **Councilman Knapp moved to approve the lease agreement,** seconded by Councilman Trombetta. Discussion followed. Susan Rice, Director of Information Services for the Board of Education, provided information regarding the technology plan. The fiber lease ends this year and the district is attempting to close the gap with the elementary school that do not have fiber optics. The cost savings will result from the consolidation of existing lines. Elio Long, Director of Finance for the Board of Education, provided financial information. The Technology Department will pay the cost difference from a budget line item. A savings will also be realized from the elimination of some of some of the maintenance costs.

Councilman Saadi recommended sending this item to the Education Budget Committee. Mayor Boughton so ordered.

13 - RESOLUTIONS - LOCIP - 2010-2011 Applications

The clerk read the communication. **Councilman Curran moved to approve and adopt the Resolution,** seconded by Councilman Visconti. Councilman Taylor requested clarification regarding the ADA lavatory for City Hall on the project list. Antonio Iadarola, P.E., Director of Public Works, explained that the proposed project involved structural modifications to create

an ADA lavatory on the third floor. **Motion passed by unanimous vote.**

14 - RESOLUTION - Economic Development Initiative (EDI) Funds

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

15 - RESOLUTION - State Youth Employment Program

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

16 - RESOLUTION - 2010 Neighborhood Assistance Act

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

17 - RESOLUTION - United Way Funding - Shelter

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

18 - RESOLUTION - Lead Poisoning Prevention Grant

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

19 - RESOLUTION - Student Education Affiliation Agreement, WCSU

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

20 - RESOLUTION - CT State Library Outreach Grant

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

21 - RESOLUTION - West Side Interceptor Sewer Easements

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

22 - REPORT - Pension Contributions - Code of Ordinances - Section 14-8

Councilman Cavo requested that the item be referred to a Public Hearing. Mayor Boughton so ordered.

23 - REPORT - Amendment to Traffic Code - Code of Ordinance - Chapter 19

Councilman Cavo moved to waive the reading of the report without prejudice. Mayor Boughton so ordered. **Councilman Cavo moved to recommit 19-31 back to the Ad Hoc Committee.** Mayor Boughton recommended, that in order to save on advertising costs, 19-32 be tabled pending the disposition of 19-31. Councilman Perkins seconded the motion. **Motion passed by unanimous vote.**

24 - REPORT - Amendment to Health and Human Service Fees Code of Ordinances - Sections 9-8 & 11-17

Councilman Cavo moved to waive the reading of the report, seconded by Councilman Nagarsheth. **Motion passed by unanimous vote.**

Councilman Cavo moved to receive the report and adopt the recommendation of the

committee, seconded by Councilman Saadi. Councilman Saadi, Councilman Arconti, Councilman Rotello and Councilwoman Deep-Damici recused themselves from voting. **Motion passed with Curran, Riley, Seabury, Stanley, Taylor, Cola, Nagarsheth, Cavo, Visconti, Trombetta, Knapp, Nero, Perkins, Chianese, Teicholz and Tumino voting in favor.**

25 - REPORT - Shopping Carts - Code of Ordinance, Section 12-33
Councilman Cavo moved to waive the reading of the report, seconded by Councilman Nagarsheth. *Motion passed by unanimous vote.*

Councilman Nagarsheth requested that the item be recommitted back to the Committee for further deliberation. Mayor Boughton so ordered.

26 - COMMUNICATION - Appropriation Request- Broadview Oil Spill
The clerk read the communication. **Councilman Taylor moved to receive the communication and approve the request**, seconded by Councilman Seabury. Antonio Iadarola, P.E., Director of Public Works, gave a brief overview of the oil spill at Broadview Middle School. A very small crack occurred in a line to a boiler. Oil flowed into the floor drain and with the occurrence of a very heavy rainstorm that weekend, approximately 1,800 gallons of #2 oil was flushed down the hill into the infiltration system at the hospital. The on-call spill contractor was called in to minimize the impact from the spill. A competitively priced contractor was secured and DEP and EPA, from Boston, have allowed the consultant to manage the project. A competitively priced landfill company has been found to accept the contaminated soil. Director Iadarola expressed his thanks to the hospital staff for their cooperation.

Councilman Taylor thanked the director and Public Works staff for their response to the oil spill.

Motion passed by unanimous vote.

27 - DEPARTMENT REPORTS - Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT, Elderly Services
Councilman Cavo moved to waive the reading of the Department Reports, seconded by Councilman Perkins. *Motion passed by unanimous vote.*

Mayor Boughton made the following Budget Committee Assignments:

General Government I: Councilman Seabury, Chair, Councilman Cavo, Councilman Taylor, Councilman Saadi and Councilman Perkins

General Government II: Councilwoman Teicholz, Chair, Councilman Trombetta, Councilman Curran, Councilman Nagarsheth and Councilman Nero

Public Works: Councilman Knapp, Chair, Councilman Curran, Councilman Seabury, Councilman Halas, Councilman Visconti

Education: Councilwoman Stanley, Councilman Arconti, Councilman Riley, Councilwoman Deep-Damici, Councilman Chianese

Health, Housing, Public Safety & Social Services: Councilman Trombetta, Councilman Knapp, Councilman Colla, Councilman Tumino and Councilman Rotello

EXECUTIVE SESSION

At 9:08 PM Councilman **Cavo moved to enter into Executive Session to discuss settlement of litigation matters and the purchase of land**, seconded by Councilman Nagarsheth. *Motion passed by unanimous*

The Executive Session ended at 10:25 PM.

28 - EXECUTIVE SESSION - Purchase of Land
Councilman Seabury moved to approve the acquisition of 190 acres, plus or minus, of open space land formerly known as the "Farrington Property", as described in executive session, and pursuant to the terms and conditions of purchase as

negotiated and explained, together with a referral to Planning, certification of funding in the amount of \$1.65M plus incidental costs of closing, payable in three annual installments, by the Director of Finance in an amount as explained in session and all in accordance with the open space bond requirements as adopted by this Council in 2008, seconded by Councilwoman Stanley. *Motion passed by unanimous vote.*

29 - EXECUTIVE SESSION - Pending Disputes or Litigation
Councilman Nagarsheth moved to authorize Rose Kallor, LLP, on behalf of the City of Danbury and its defendants, to settle the case of O'Hanlon et al v. City of Danbury et al in accordance with the terms and conditions as set forth in Executive Session, subject to certification of funds by the Director of Finance in an amount specified in the executive session, seconded by Councilman Cavo. Councilman Curran recused himself from voting. *Motion passed by unanimous vote (19-0).*

Mayor Boughton extended all committees and reminded everyone that the Budget Workshop would be held on Monday, April 12, 2010.

There being no further business to come before the Common Council a **motion was made at 10:30PM by Councilman Colla,** seconded by Councilman Cavo **to adjourn the meeting.** *Motion passed by unanimous vote.*

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary

Attest,
Mark D. Boughton, Mayor