

Honorable Mark D. Boughton, Mayor
City Council Members

Mayor Mark D. Boughton called the City Council Meeting to order at 7:30 on Thursday, September 9, 2010.

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

PRESENT: 20 ABSENT: 1

Councilman Riley was out of town at a family event.

Mayor Boughton gave the following update on items 5 and 6: the Analysis of Assessment by the Army Corps of Engineers has been received and is in the review process and the Army Reserve has agreed to post a Public Hearing. The Mayor also spoke about preserving open space.

Jean Natale, Legislative Assistant; Robert J. Yamin, Corporation Counsel and Laszlo L. Pinter, Deputy Corporation Counsel were also present.

PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER:

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

PUBLIC SPEAKING

Paul Valerie of 10 Hayestown Road spoke on item #5.

Joe Dicomio of 5 Wooster Heights spoke on item #5.

Lynn Waller of 83 Highland Avenue spoke on item #18.

Christine Rotello of 42 Pleasant Street spoke on item #5.

Justin Leo of Middle River Road spoke on items 5 and 6.

Diane Sanders of 15 Weindorf Lane spoke on item #5.

Matthew Orr of 17 Ohehyahtah Place spoke on item #5.

Lynn Hottes of 46 Wooster Heights spoke on item #5.

Kathy Ely of Ward Avenue spoke on item #5.

Nel Tressel of 54 Jefferson Avenue spoke on item #5.

David Stevenson owner of 7 Sampson Terrace spoke on item #5.

Ken Gucker of 89 Padanaram Road spoke on item 5 and 18.

Public speaking closed at 8:12pm.

Mayor Boughton read the announcements for the month.

MINUTES - Minutes of the Council Meeting held August 3, 2010

Councilman Cavo moved to waive the reading of the minutes as all members have copies and additional copies are on file in the Office of the Legislative Assistant,

seconded by Councilman Perkins. ***Motion passed by unanimous vote.***

CONSENT CALENDAR

Councilman Seabury read the following items for the Consent Calendar:

2 – Receive the communication and accept the donation from our municipal employees for the *Dress for Success* program and authorize the transfer of \$160.00 into line item HLTHDON.6000.03 to be used as a start up fund for next year.

8 – Receive the communication and refer the application to the City Engineer and the Planning Commission for reports.

9 - Receive the communication and refer the application to the City Engineer and the Planning Commission for reports.

11 – Receive the communication and adopt the Resolution which will amend the City of Danbury Employees' Deferred Compensation Plan. This Resolution will add a loan provision, and allow the participants to borrow against their individual accounts.

12 – Receive the communication and adopt the Resolution which will allow the State of Connecticut Department of Public Health to amend the contract for the WIC program thus allowing the City of Danbury Health and Human Services Department to accept \$345,380.00 in additional funding.

13 – Receive the communication and adopt the Resolution which will enable Mayor Mark D. Boughton to execute a Certification Agreement between the State of Connecticut by and through the Connecticut Commission on Culture and Tourism, as well as any and all additional documentation necessary to effectuate those intended purposes.

14 – Receive the report for the "Scenic Road Designation" – Remaining portion of Long Ridge Road from the September 2009 Agenda and take no action.

17 – Receive the Ad Hoc report and adopt the Resolution authorizing Mayor Mark D. Boughton to execute and record the Agreement to Defer Increase in Tax Assessment between the City of Danbury and DRS Technologies, Inc, pursuant to the approvals and conditions contained therein and in accordance with the provisions of law.

Councilman Perkins requested the removal of item #14 from the Consent Calendar.

Councilman Knapp moved to accept the Consent Calendar as presented and amended, seconded by Councilman Tumino. ***Motion passed by unanimous vote.***

1 – COMMUNICATION - Tax Abatement for Surviving Spouses of Police Officers and Firefighters

Jean Natale, Legislative Assistant read the communication. **Councilman Curran requested that the item be referred to an Ad Hoc** with a representative from the Office of the Mayor, the Director of Finance, Fire Chief and Police Chief. Council Members Knapp, Deep-Damici and Nero were appointed to the committee.

2 - COMMUNICATION - Dress for Success

The communication was received on the Consent Calendar and the transfer authorized.

3 - COMMUNICATION - Donation to the Police Department

Jean Natale, Legislative Assistant read the communication. **Councilwoman Stanley moved to receive the communication and accept the donation of \$20,000 from The Ridgefield and Leir Foundations, Inc. and the funds be placed in the Donation Account #6000.2000 and used for the purchase of a working police dog and establishing the K-9 program for the**

Danbury Police Department, seconded by Councilman Nagarsheth. ***Motion passed by unanimous vote.***

4 - COMMUNICATION - Donation to the Recreation Department
Jean Natale, Legislative Assistant, read the communication. **Councilman Colla moved to accept the donation of \$4,375.00 from Stew Leonard's into account 1000.4654**, seconded by Councilman Chianese. ***Motion passed by unanimous vote.***

5 - COMMUNICATION - Lee and Robinson Farm Land Protection
Councilman Nagarsheth requested that the item be referred to an Ad Hoc with Corporation Counsel, the Director of Finance, and a representative from the Office of the Mayor and the Director of Planning. Council Members Cavo, Seabury and Visconti were appointed to the committee.

6 - COMMUNICATION - Lee Farm Assessment Study
Councilman Trombetta requested that the item be referred to an Ad Hoc with Corporation Council, the Director of Planning and the Director of Public Works. Council Members Seabury, Cavo and Visconti were appointed to the committee.

7 - COMMUNICATION - Tax Deferral Ordinance
Councilman Cavo requested that the item be referred to an Ad Hoc with Corporation Counsel, the Director of Finance and a representative from the Office of the Mayor. Council Members Curran, Arconti and Chianese were appointed to the committee.

8 - COMMUNICATION - Request for Sewer - Saw Mill Road
The communication was received on the Consent Calendar and **referred to the City Engineer and the Planning Commission** for reports.

9 - COMMUNICATION - Request for Sewer and Water - 12 Clapboard Ridge Road
The communication was received on the Consent Calendar and **referred to the City Engineer and the Planning Commission** for reports.

10 - COMMUNICATION - Easement Extension - Plumtrees Plaza
Councilman Taylor requested that the item be referred to an Ad Hoc with Corporation Counsel, the Director of Public Works and a report from Planning. Council Members Arconti, Taylor and Nero were appointed to the committee.

11 - RESOLUTION - Amendment to the City of Danbury Deferred Compensation Plan
The communication and Resolution were received on the Consent Calendar and the Resolution adopted.

12 - RESOLUTION - WIC Grant Contract Amendment
The communication and Resolution were received on the Consent Calendar and the Resolution adopted.

13 - RESOLUTION - Certified Local Government Application - Historic Properties Commission
The communication and Resolution were received on the Consent Calendar and the Resolution adopted.

14 - REPORT - Scenic Road Designation - Remaining Portion - Long Ridge Road
Jean Natale, Legislative Assistant, read the communication. **Councilman Cavo moved to receive the communication and take no action based on the survey results**, seconded by Councilman Halas. Councilman Perkins expressed his disappointment that the designation was not approved and thanked all of those involved in the matter. Upon the request of Councilman Visconti, Atty. Pinter explained that the ordinance only requires that a mail survey be mailed and the decision is based on those who respond. ***Motion passed by unanimous vote.***

15 - REPORT - Sanitary Sewer Extension Survey - Oak Lane, Haddy Lane and East Pembroke

Road

Jean Natale, Legislative Assistant, read the communication. **Councilwoman Stanley moved to receive the communication and deny the request for sanitary sewer**, seconded by Councilman Nagarsheth. ***Motion passed by unanimous vote.***

16 - REPORT - Sanitary Sewer Extension Survey - Alexander D Avenue

Jean Natale, Legislative Assistant, read the communication. **Councilwoman Stanley moved to receive the communication and deny the request for sanitary sewer**, seconded by Councilman Nagarsheth. Councilman Taylor expressed concerns regarding the number of requests and the City resources spent to only have the request denied by the residents. Antonio Iadarola, Director of Public Works, explained that most of the preliminary work is now done in house by engineering staff, saving the City the cost of hiring outside consultants. Upon the request of Councilman Chianese, Farid Khouri, City Engineer, advised that there are currently 10 projects in the preliminary phase and 9 more on the list. An initial survey is conducted and a follow-up survey is done when the cost estimates have been determined. There are specific formulas used to determine the cost of the sewer projects to the owners. Councilman Saadi stated that he has been asked several times by Alexander D Avenue residents about connecting to sewer. Discussion followed about the "no responses". Council Members Taylor and Rotello spoke about the benefits of connecting to the City's sewer system. **Arconti, Curran, Deep-Damici, Seabury, Stanley, Colla, Nagarsheth, Taylor, Halas, Cavo, Visconti, Trombetta, Knapp, Nero, Perkins, Chianese, Rotello, Teicholz, Tumino voted in favor. Councilman Saadi voted in the negative. Motion passed 19/1.**

17 - AD HOC REPORT - DRS Technologies

The Ad Hoc report and Resolution were received on the Consent Calendar and the Resolution adopted.

18- AD HOC REPORT - BOE - Administrators Salaries

Councilman Cavo moved to waive the reading of the report as all members have copies, seconded by Councilwoman Stanley. ***There was no objection.***

Councilman Cavo moved, based on the Ad Hoc Report of the Committee to deny the supplemental appropriation made necessary as the result of the (inaudible on tape) incurred by the Board of Education for its 2010/2011 fiscal year for designated salary increases for non selected, non-union officials, further, to reserve from distribution to the Danbury Board of Education such excess amounts represented by said proposed increases, seconded by Councilwoman Stanley. Discussion followed.

Councilman Arconti discussed the message that he feels is sent to other department heads and city residents by granting salary increases to the administrators. He feels the funds should be used for the students. Specific questions were previously posed to the BOE regarding salary increases for administrators and answers were not forthcoming.

Councilman Saadi concurred with Councilman Arconti and asked for the legal basis for the recommendation of the ad hoc committee.

Atty. Pinter explained that an appropriation never occurred in this case and there should have been a request for a supplemental appropriation. The responses are recorded that when asked about salary increases, the BOE advised that they would get back at a later date. Funds which exceed the appropriation of the funding authority, the City Council, therefore the BOE did not seek a supplemental appropriation as required. Since there is no supplemental appropriation, the Council cannot approve that amount of funds based on the record. There should have been a supplemental appropriation and in this case, there was not.

Councilman Saadi discussed several legal points regarding cases provided by Atty. Pinter. They discussed statutory authority, provisions and re-appropriations. Council Members Saadi, Seabury,

and Nero vetted their concerns. Councilwoman Stanley, Chairperson of the Ad Hoc Committee explained that the information regarding raises was not given to the Council for consideration.

Councilman Seabury called the question, seconded by Councilman Trombetta. **Arconti, Curran, Deep-Damici, Seabury, Stanley, Colla, Nagarsheth, Taylor, Halas, Cavo, Trombetta, Knapp, Teicholz, Tumino voted in favor. Saadi, Visconti, Nero, Perkins, Chianese and Rotello voted in the negative. Motion passed 14/6.**

A vote on the main motion was taken. **Arconti, Curran, Deep-Damici, Seabury, Stanley, Colla, Nagarsheth, Taylor, Halas, Cavo, Visconti, Trombetta, Knapp, Nero, Rotello, Teicholz and Tumino voted in favor. Saadi, Perkins and Chianese voted in the negative. Motion passed 17/3**

19 - DEPARTMENT REPORTS - Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT, Library, Elderly Services

Councilman Cavo moved to waive the reading of the Department Reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant, seconded by Councilman Nagarsheth.

Upon the request of Councilman Saadi, Chief Baker explained that certain fleet issues will no longer be addressed by the Public Works Department because of the complexity of the repairs and installations. He is currently working with the Purchasing Department to secure vendors and the funding has not been determined.

Upon the request of Councilman Visconti, Chief Baker will bring issues regarding bikes and skateboards on Main St. and in Rogers Park to the bike patrol's attention.

Councilman Taylor expressed that the Public Works Department had done a great job on the drainage and paving projects. He especially appreciated the new flags installed in sections of the City.

Upon the request of Councilman Rotello, Antonio Iadarola, P.E., Director of Public Works explained that some unforeseen soil conditions in the water have caused a slight delay but he expects the bridge to open by the end of October by working with the State to accelerate some of the remaining work. The bookdrops at the library were also discussed.

Upon the request of Councilwoman Teicholz, the Director of Public Works, advised that the negotiations with Honeywell were unsuccessful and the department is moving forward to work with other vendors.

Motion passed by unanimous vote.

Mayor Boughton extended all committees.

There being no further business to come before the City Council a motion was made at 9:40 pm. by Councilman Perkins and seconded by Councilman Nagarsheth to adjourn the meeting. Motion passed by unanimous vote.

Respectfully submitted:

Doratheia A. Gulya-Stasny
Recording Secretary

Attest:
Mark D. Boughton, Mayor