

## **CITY COUNCIL MEETING August 7, 2012**

Mayor Mark D. Boughton called the City Council Meeting to order at 7:30pm on Tuesday, August 7, 2012 in the Council Chambers at City Hall.

**Present were Council Members:** Philip Curran, Michael Haddad, Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Don Taylor, Phil Colla, Michael Halas, Shay Nagarsheth, Stephen Darcy, Joseph Cavo, Thomas Saadi, Fred Visconti, Andrew Wetmore, Peter Nero, Duane Perkins, Benjamin Chianese, Paul Rotello, Joe Scozzafava

**PRESENT:     ABSENT : 1**

Council Member Teicholz was out of town on family business.

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

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

Council Member Wetmore led everyone in the Pledge of Allegiance and in a prayer.

**PUBLIC SPEAKING**

Lynn Waller, 83 Highland Avenue, spoke on items 3, 14 and 17.

Ken Gucker, 89 Padanaram Road, spoke on items 17 and 22.

Mike Quinn, 2 Johnson Drive, spoke on item 22.

Dave Bonan, 18 James Street, spoke on items 3, 7, 17 and 19.

Francine Quinn, 2 Johnson Drive, spoke on item 22.

Raymond Albanesi, 8 Johnson Drive, spoke on item 22.

Margaret Mitchell, owner at Park Place and Main Street, spoke on items, 1, 2, 3, 13 and 19.

Andrea Gartner, 112 Hayestown Road and Director of City Center spoke on items 2, 3, 14 and 22.

Tom Gillespie, 4 Johnson Drive, spoke on item 22.

Frank Anders, 9 Terra Glen, spoke on item 3.

Public speaking ended at 8:00 pm.

Mayor Boughton read the announcements for the month.

**MINUTES** - Minutes of the Council Meeting held on July 3, 2012

**Council Member 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 council member Perkins.     Motion passed by unanimous**

**vote.**

Council Member Seabury read the Consent Calendar.

4 – Receive the Communication regarding the Danbury Train Station Lease and approve the proposed budget for the Fiscal Year 2012/13.

5 – Receive the Communication and approve the transfer of \$26,825.00 as requested by the Registrars of Voters for the August 14, 2012 Primary.

6 – Receive the Communication and approve the request of the Town Clerk to transfer \$20,000.00 from the Historic Documents Reserve Account to continue back-file conversion in conjunction with a grant through the Connecticut State Library.

8 – Receive the Communication from the Director of Finance and approve the re-appropriation of \$35,975 from the Water Fund Account and \$197,918.72 from the Sewer Fund Account to the current Fiscal Year.

9 – Receive the Communication from the Director of Finance and approve the re-appropriation of \$9,015.00 to the Ambulance Fund for the current Fiscal Year.

12 – Receive the report from the Purchasing Agent and approve the disposal of surplus vehicles as set forth by Section 2-153 of the Code of Ordinances.

14 – Receive the Communication and approve the request of the Danbury Housing Partnership to make funds available for the items needed for “Project Homeless Connect” This funding is projected not to exceed \$5,500.00.

15 – Receive the Communication and approve the request for funds, not to exceed \$600.00, for the purpose of holding an “Informational Meeting with the Greater Danbury Continuum of Care” This program provides services to people who are homeless or face the threat of homelessness.

16 – Refer the request of Ingersoll Property Holdings of Danbury, LLC to Corporation Counsels Office, the City Engineer and Planning Commission for reports.

18 – Receive the Communication and Adopt the Resolution allowing the City of Danbury Department of Health and Human Services to accept funding for a “Lead Poisoning Prevention” program. This grant is being offered by the State of Connecticut Department of Public Health and funding will not exceed \$19,900.00.

19 – Receive the Communication and Adopt the Resolution allowing the City of Danbury to make application to the State of Connecticut Office of Policy and Management for \$40,000.00 in LOCIP funds to replace seating in the Council Chambers.

20 – Receive the Communication and Adopt the Resolutions implementing the negotiated and ratified pension changes for the 2011-2015 agreements with the Danbury Municipal Employees Association and the Teamsters Union Local 677.

21 - Receive the Communication and Adopt the Resolution allowing the City of Danbury to apply for and accept funding from the US Department of Health and Human Services. This funding request, not to exceed \$200,200.00 is for a 2 year period from 12-1-12 to 11-30-14

and will be used to provide the opportunity to expand and improve services within the City's School Based Health Centers.

22 – Receive the Report of the City Engineer and take no action on the Sanitary Sewer Extension at Johnson Drive, Pembroke Terrace, and East Pembroke Road, Area Project No. 12-06

**Council Member Cavo requested removal of item #22 from the Consent Calendar. Council Member Perkins requested removal of item #19 from the Consent Calendar.**

**Council Member Taylor requested removal of item #21 from the Consent Calendar.**

**Council Member Knapp moved to accept the Consent as amended**, seconded by Council Member Taylor. ***Motion passed by unanimous vote.***

1 - COMMUNICATION - Appointment of Library Director  
Jean Natale, Legislative Assistant, read the communication. **Council Member Stanley moved to receive the communication and confirm the appointment of Michele Capozella to serve the City of Danbury as Library Director**, seconded by Council Member Cavo. ***Motion passed by unanimous vote.***

2 - COMMUNICATION - Promotions - Police Department  
Jean Natale, Legislative Assistant, read the communication. **Council Member Colla moved to receive the communication and confirm the promotion of Officer Heather Burke to Police Detective**, seconded by Council Member Cavo. ***Motion passed by unanimous vote.***

Jean Natale, Legislative Assistant, read the communication. **Council Member Colla moved to receive the communication and confirm the promotion of Officer Harold Usher to Police Detective**, seconded by Council Member Visconti. ***Motion passed by unanimous vote.***

3 - COMMUNICATION - Vision 2020 Bond  
**Council Member Knapp moved to refer the item to an Public Hearing** followed by a Committee of the Whole. Mayor Boughton so ordered.

4 - COMMUNICATION - Train Station Lease Proposed Budget  
The communication was received on the Consent Calendar and the budget approved.

5 - COMMUNICATION - Certification of Funds - August 14th Primary  
The communication was received on the Consent Calendar and the transfer approved.

6 - COMMUNICATION - Certification of Funds - Historic Document Reserve  
The communication was received on the Consent Calendar and the request approved.

7 - COMMUNICATION - Certification - Capital Projects Re-appropriations  
Jean Natale, Legislative Assistant, read the communication. **Council Member Levy moved to re-appropriate \$720,703.88 from the FY 2011-2012 Capital Projects Budget to the FY 2012-2013 Capital Projects Budget as noted in agenda item 7-1 and that \$32,924.01 from FY 2011-2012 Capital Projects Budget be abandoned as noted in agenda item 7-1**, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

8 - COMMUNICATION - Certification - Water & Sewer Fund Re-appropriations  
The communication was approved on the Consent Calendar and the re-appropriation approved

9 - COMMUNICATION - Certification - Ambulance Fund Re-appropriations  
The communication was received on the Consent Calendar and the re-appropriation approved.

10 - COMMUNICATION - Donation - Police Department  
Jean Natale, Legislative Assistant read the communication. **Council Member Nagarsheth moved to receive the communication and accept the donation of \$10,000 from the Ridgefield & Leir Foundations, Inc. and place the funds in account 6000.2000,** seconded by Council Member Seabury. ***Motion passed by unanimous vote.***

11 - COMMUNICATION - Donation - Danbury Adult Softball Leagues  
Jean Natale, Legislative Assistant, read the communication. **Council Member Haddad moved to receive the communication and accept the donation from the Danbury Adult Softball Leagues to construct dugouts for each of the 3 fields designated for softball at Rogers Park,** seconded by Council Member Stanley. ***Motion passed by unanimous vote.***

12 - COMMUNICATION - Disposal of Surplus Vehicles  
The communication and report were received on the Consent Calendar and the request for disposal approved.

13 - COMMUNICATION - Danbury Housing Partnership Annual Breakfast  
Jean Natale, Legislative Assistant, read the communication. David St. Hilaire explained that because the Partnership's funds are housed in the City, it is necessary to obtain approval from the Council for any disbursements. Upon the request of Council Member Saadi, he further explained that the partnership may not necessarily spend all of the appropriated funds and that any left over funds would remain with the Partnership. **Council Member Wetmore moved to receive the communication and approve the appropriation for the Danbury Housing Partnership Breakfast,** seconded by Council Member Visconti. ***Motion passed by unanimous vote***

14 - COMMUNICATION - Danbury Housing Partnership  
The communication was received on the Consent Calendar and the request approved.

15 - COMMUNICATION - Danbury Housing Partnership - Continuum of Care  
The communication was received on the Consent Calendar and the request approved.

16 - COMMUNICATION - Easements - Ingersoll Property Holdings of Danbury, LLC  
The communication was received on the Consent Calendar and referred to Corporation Counsel, City Engineer and Planning Commission for reports.

17 - RESOLUTION - Open Space Bond Acquisition - Ives Trail Greenway  
Jean Natale, Legislative Assistant, read the communication. **Council Member Taylor moved to receive the communication and adopt the Resolution to accept the offer of the State of Connecticut Department of Transportation to convey to the City of Danbury an easement for certain State owned properties at Route 7, Jackson Pond and Starrs Plain Road for the Ives Trail Greenway, totaling the sum of \$31,500.00 with money to be funded by the Open Space Bond acquisition of 2008,** seconded by Council Member Cavo . Discussion followed regarding associated costs, the value of the

easement and DOT issues. Jack Kozuchowski gave an overview of the geographical location of the easement. Atty. Pinter advised that it is unlikely that the State DOT would take the property back due to the completion of Route 7. ***Motion passed by unanimous vote.***

18 - RESOLUTION - Lead Poisoning Prevention Program

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

19 - RESOLUTION - LOCIP 2012 Applications

**Council Member Knapp moved to receive the communication and adopt the Resolution allowing the City of Danbury to make application with the State of Connecticut Office of Policy and Management for LoCIP funds to replace the seats in the Council Chambers. The funding is not to exceed \$40,000,00,** seconded by Council Member Rotello. Discussion followed regarding seating replacement and meeting broadcasting. ***Motion passed by unanimous vote.***

20 - RESOLUTION - Implementing Negotiated Pension Changes

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

21 - RESOLUTION - SBHC Capital Improvement Grant

**Council Member Cavo moved to receive the communication and adopt the resolution which will allow the City of Danbury's Health Department to accept funding from the US Department of Health and Human Services for the improvement to clinical equipment and information technology at the three school based health centers,** seconded by Council Member Wetmore. Discussion followed with council member Taylor voicing concerns about the use of the funding. David St. Hilaire, Director of Finance, explained that this is a competitive grant focusing on IT support and equipment. The funds would provide enhanced support from a technical support, which in turn would enhance the services offered by the centers. ***Motion passed by unanimous vote.***

22 - REPORT - Sanitary Sewer Extension - Project 12-06 (Johnson Drive, Pembroke Terrace and East Pembroke Area)

**Council Member Cavo explained that he removed the item from the Consent Calendar to promote further discussion of the public comments made during the Public Speaking portion of the meeting. He requested that the item be referred to an Ad Hoc** with the Director of Public Works and City Engineer, with an invitation sent to all of the Pembroke Road area residents. Mayor Boughton so ordered and appointed Council Members Cavo, Scozzafava and Perkins to the committee.

23 - DEPARTMENT REPORTS - Police, Fire, Statement of Condition (Fire Department) Health-Housing & Welfare, Dream Homes, Public Works, Permit, Unit, Elderly Services, Library, United Way

**Council Member 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 Council Member Perkins.

Upon the request of Council Member Taylor, Chief Baker stated that the Bike Patrol would provide assistance with the skateboarding and bicycle riding issues in the downtown area and would work with Corporation Counsel to research/draft an ordinance. Mayor Boughton stated that a skateboard park would be taken under advisement.

Council Member Levy noted that there is a low pass rate for Firefighter I certification exams.  
***Motion passed by unanimous vote.***

**Mayor Boughton appointed Council Members Visconti, Curran and Levy to the Auditing Committee** and extended all other committees.

#### **EXECUTIVE SESSION**

**Council Member Cavo moved to go into Executive Session at 9:06 for the purpose of discussion of item #24, Loureico Construction Corporation Lawsuit and item #25, Gerlach Court Appeal,** seconded by Council Member Taylor. ***Motion passed by unanimous vote.***

Wayne Shepperd, Chief of Staff; Laszlo Pinter, Deputy Corporation Counsel; David St. Hilaire, Director of Finance; Antonio Iadarola, P.E., Director of Public Works, Tom Hughes, Construction Services Superintendent and Farid Khouri, P.E., City Engineer were invited into the Executive Session.

**Council Member Levy moved to leave Executive Session at 9:56pm,** seconded by Council Member Saadi. ***Motion passed by unanimous vote.***

24 - Loureico Construction Corporation Lawsuit

**Council Member Cavo moved to adopt the recommendation of the Corporation Counsel and resolve the claim in accordance with the recommendation,** seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

25 - Gerlach Court Appeal

**Council Member Cavo moved to ratify and authorize a court appeal of the decision by the Connecticut Freedom of Information Commission on the issue of requiring inappropriate disclosure of personal and medical records of present and former City employees, and a challenge to the misuse of the freedom of information law by plaintiff counsel to obtain medical and other information more properly obtained through a court-sanctioned process,** seconded by Council Member Wetmore. ***Motion passed by unanimous vote.***

**There being no further business to come before the Council, a motion was made at 10:00pm by Council Member Saadi,** seconded by Council Member Taylor to adjourn. ***Motion passed by unanimous vote.***

Respectfully submitted,

Doratheia A. Gulya-Stasny  
Recording Secretary

Attest:  
Mark D. Boughton, Mayor