

**CITY COUNCIL**  
**November 07, 2013**

Honorable Mayor, Mark D. Boughton, called the meeting to order at 7:30 pm in the Council Chambers.

**PLEDGE OF ALLEGIANCE & PRAYER**

Chief Geoff Herald led everyone in the Pledge of Allegiance. Council Member Curran led everyone in the room in a prayer.

**ROLL CALL**

**COUNCIL MEMBERS PRESENT:** Philip Curran, Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Phillip Colla, Shay Nagarsheth, Elmer Palma, Joseph Cavo, Andrew Wetmore, Peter Nero, Fred Visconti, Duane Perkins, Benjamin Chianese, Paul Rotello, Joseph Scozzafava, and Mary Teicholz.

**COUNCIL MEMBERS Absent:** Colleen Stanley, Donald Taylor, Mike Halas, and Thomas Saadi.

Council Members Stanley, Taylor, Halas, and Saadi were attending to Family Business.

**PRESENT: 17, ABSENT: 4**

**ALSO PRESENT:** Jean Natale, Legislative Assistant; Robert Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; David St. Hilaire, Director of Finance.

**PUBLIC SPEAKING**

Lynn Waller, 83 Highland Ave, thanked Council Members that have served the City but will not be continuing on the Council, especially Mary Teicholz who represents her ward. She requested a copy of Host City benefits under Item #2. She spoke against Item #10 and is opposed to moving the polling location under Item #17.

Gary Anderson, 24 Olympic Drive, stated that he is opposed to moving the voting location under Item #17.

Ken Gucker, 89 Padanaram Rd, spoke in favor of Item#3 Skate Board Park, against leasing property in Item#10 and opposed to moving polling location under Item #17.

Andrea Gardner, 112 Deer Hill Ave, spoke in favor of Items #3 and #3.1.

## **ANNOUNCEMENTS**

The Mayor read Announcements for the Month of November including events taking place in the City. The Mayor and members of the City Council thanked Council Members Mary Teicholz, Shay Nagarsheth, and Phillip Colla as they did not seek re-election and will be leaving the City Council. In addition, the Mayor thanked Council Members Halas and Taylor for their service.

## **MINUTES - Minutes of the Council Meeting held October 1, 2013**

**A motion was made by President Cavo and seconded by Shay Nagarsheth to waive the reading and approve the minutes of the previous meeting as all members have copies and additional copies are on file in the Office of the Legislative Assistant. The motion carried unanimously.**

## **CONSENT CALENDAR**

Councilman Seabury read the Consent Calendar as follows:

3 - Receive the communication and approve the transfer of title for the Redevelopment Parcel 9 (property located at 32 Patriot Drive) to the City of Danbury from the Redevelopment Agency. The property, to be used to erect a skateboard park, must meet with the approval and positive recommendation of the Planning Commission.

3.1 - Receive the Communication and approve the License Agreement requested by the Housatonic Area Regional Transit (HART) to install 4 bike racks at the Pulse Point Downtown on Kennedy Avenue.

5 - Receive the Communication and approve the transfer of \$75,000.00 from the fund balance in the Ambulance Fund to the Ambulance Capitol Account for the purpose of capital improvements necessary to enhance existing equipment.

6 - Receive the report of the Director of Finance and authorize the Re-appropriation of funds totaling \$6,932.25 into the Fiscal Year 2013-14 Ambulance Fund for the purpose of completing outstanding projects for EMS and Nexgen Solutions.

7 - Receive the report of the Director of Finance and authorize the Re-appropriation of funds totaling \$2,282.39 into the Fiscal Year 2013-14 Animal Control Fund for the purpose of completing outstanding projects for Torrco and Jim's Welding.

14 - Receive the Communication from of the Public Works Director and adopt the amended Resolution previously approved by the City Council for School Construction Projects. This amended Resolution now includes the names of the schools that are currently under construction. Also approve to amend all documents to show Mr. Joe Martino to replace Mr. Ed Arum filling the position on the Building Committee.

16 - Receive the Communication and adopt the Resolution authorizing Mayor Mark D. Boughton or his Designee Paul Estefan, Emergency Management Director, to apply for and accept funding totaling \$50,000.00 through the

Emergency Management Performance Grant. This Grant reimburses the City of Danbury for the Director and the Executive Secretary for the period 10-1-2013 through 9-30-2014.

**A motion was made by Jack Knapp and seconded by Benjamin Chianese to approve the Consent Calendar**

Council Member Perkins requested that Item #3 be removed from the Consent Calendar. Seeing no objection, Item #3 was removed.

*The motion carried unanimously.*

1. **COMMUNICATION - Appointment of Building Inspector**  
**A motion was made by Gregg Seabury and seconded by Shay Nagarsheth to confirm the appointment of Mr. David Newland to the position of Chief Building Inspector.**

Councilman Nero spoke in favor of the appointment.

*The motion carried unanimously.*

2. **COMMUNICATION-Host Community Benefit Agreement**  
**Councilman Knapp requested referral to an Ad Hoc Committee** to include Corporation Counsel, a representative from the Office of the Mayor, and a representative from Winter Bros. Co. Mayor Boughton so ordered and appointed Council Members Cavo, Curran, and Visconti to the committee.

3. COMMUNICATION-Redevelopment Parcel 9 - 32 Patriot Drive  
**A motion was made by Joseph Cavo and seconded by Andrew Wetmore to receive the communication and approve the transfer of title for the Redevelopment Parcel 9, property located at 32 Patriot Drive, to City of Danbury from the Redevelopment Agency for the use of a Skateboard Park inclusive of the positive report from the Planning Commission.**

Councilman Perkins stated that he supports the skate park but concerned about the location, and therefore **he requested that this item be sent to an Ad Hoc.** Mayor Boughton stated that an Ad hoc committee would delay the skate park, but ordered the item to be reviewed by an Ad Hoc Committee consisting of Council Members Cavo, Seabury, and Visconti.

- 3-1. COMMUNICATION-Request for Bike Racks - HART  
The communication was received on the Consent Calendar and approved.

4. **COMMUNICATION-Certification of Funds - Civil Prep Generator Fees**  
**A motion was made by Shay Nagarsheth and seconded by Phillip Colla to receive the communication and appropriate \$7500 as certified by the Director of Finance from the Contingency Account to the Civil Preparedness Budget.**

Councilman Chianese requested clarification regarding the ownership and use of the generator. Mr. Estefan stated that the City will

own and maintain the generator, which is part of a larger plan to make the Portuguese Club an Emergency Medical Shelter. The plan needs to be approved by FEMA; approval of this generator is part of that plan. The plan will come before the City Council for additional approvals. Councilman Visconti asked for information regarding the cost of maintenance. Mr. Estefan stated that the cost is quite minimal. Councilman Rotello stated that he would like to see an easement granted so that the City would have unobstructed access to the generator. ***The motion carried unanimously.***

5. COMMUNICATION-Certification of Funds - Ambulance Capitol  
The communication was received on the Consent Calendar and approved.
6. COMMUNICATION-Certification of Funds - Ambulance Fund Re-appropriations  
The communication was received on the Consent Calendar and approved.
7. COMMUNICATION-Certification of Animal Control Funds Re-appropriations  
The communication was received on the Consent Calendar and approved.
8. COMMUNICATION-Donation to the Fire Department  
**A motion was made by Andrew Wetmore and seconded by Fred Visconti to receive the generous donation of \$2000 to the Danbury Fire Department to be deposited into donation account 6000.2010 and send appropriate letter of thanks. The motion carried unanimously.**
9. COMMUNICATION-Proposed Revision to Code of Ordinance Section 18-24  
**Councilwoman Teicholz referred the item to a Public Hearing and Committee of the Whole.** Seeing no objection, Mayor Boughton so ordered.
10. COMMUNICATION-Lease of City Property - 84 Hospital Avenue  
**Councilman Knapp requested that this item be referred to an Ad hoc Committee consisting of Corporation Counsel and Public Works Director, with a report from the Planning Commission.** Mayor Boughton so ordered and appointed Council Members Levy, Knapp, and Nero.
11. RESOLUTION-Phase 31 Emergency Food and Shelter Program  
**A motion was made by Phillip Colla and seconded by Shay Nagarsheth to receive the communication and adopt the resolution authorizing Mayor Boughton or Scott Leroy to apply for and accept this funding and execute on behalf of the City of Danbury all controls, agreements, or amendments and to take all actions necessary. The motion carried unanimously.**
12. RESOLUTION-Implementation of C-PACE Program  
**A motion was made by Philip Curran and seconded by Shay Nagarsheth to receive the communication and adopt the resolution for the implementation of the C-PACE program. The motion carried unanimously.**
13. RESOLUTION-Section 108 Loan Guarantee

**A motion was made by Michael Haddad Sr. and seconded by Shay Nagarsheth to receive the communication and adopt the resolution pledging the City's full faith and credit for the repayment of any funds due to HUD for the Foster Street Project.**

Councilman Visconti asked for clarification as to where improvements can be made. Mayor Boughton stated that HUD has already approved the project and stated that sidewalks and lighting would be replaced and improved on Foster Street and Bank Street. This funding will come from grants and has no local tax payer impact. Councilman Visconti requested that sidewalks on southern end of Main Street be replaced or improved.

*The motion carried unanimously.*

14. RESOLUTION-Amendment of Resolution-School Construction Projects  
The resolution was received on the Consent Calendar and adopted.

15. RESOLUTION-2014 Comprehensive DUI Enforcement Program  
**A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to receive the communication and adopt the resolution authorizing the City of Danbury Police Department to apply for and accept funding through the State of Connecticut, Department of Transportation for the 2014 Fiscal Year for comprehensive DUI enforcement. The motion carried unanimously.**

16. RESOLUTION-EMPG Performance Grant  
The resolution was received on the Consent Calendar and adopted.

17. AD HOC REPORT-Polling Location Change

**A motion was made by Warren Levy and seconded by Joseph Cavo to table Item #17. The motion carried by the following vote:**

**AYES:** Philip Curran, Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Phillip Colla, Shay Nagarsheth, Joseph Cavo,  
**15** Elmer Palma, Andrew Wetmore, Peter Nero, Fred Visconti, Paul Rotello, Joseph Scozzafava, and Mary Teicholz.

**NAYS:** Duane Perkins and Benjamin Chianese.

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### **Agenda Additions**

**A motion was made by Joseph Cavo and seconded by Duane Perkins to add to the agenda Item #20 Appointment of Alternate members to the Conservation Commission, Item #21 Correspondents regarding Hearthstone Castle and application for grant funding for an Engineering Study, and Item #22 Board of Education Teacher and Administrator Contracts. The motion carried unanimously.**

20. Communication-Appoint Alternate Members to Conservation Commission.  
**A motion was made by Jack Knapp and seconded by Shay Nagarsheth to receive the communication and approve the appointment of Jack A Robbins, PhD., Richard Hale, and Elyse C. Jasensky as alternates of the Conservation Commission with terms to expire on July 1, 2016. The motion carried unanimously.**

21. Communication-Hearthstone Castle Engineering Study

**A motion was made by Joseph Cavo and seconded by Paul Rotello to receive the communication and approve the application for the grant provided that Mr. St. Hilaire, Finance Director, can certify that the \$25,000 matching funds are available. The motion failed by the following roll call vote:**

**AYES:** Jack Knapp, Gregg Seabury, Shay Nagarsheth, Joseph  
**8** Cavo, Fred Visconti, Paul Rotello, Joseph Scozzafava, and Mary Teicholz.

**NAYS:** Philip Curran, Michael Haddad Sr., Warren Levy, Phillip  
**9** Colla, Elmer Palma, Andrew Wetmore, Peter Nero, Duane Perkins, and Benjamin Chianese.

Mayor Boughton stated in regard to the failed motion, that something must be done to maintain the security of the structure, and there will be engineering costs even if it is torn down. In addition, Mr. Elpern has done a study recently to determine options for use; before the use can be determined an engineering study must be done. Further discussion ensued regarding the study.

**A motion was made by Elmer Palma and seconded by Paul Rotello to reconsider Item #21 -Heartstone Castle. The motion carried by the following vote:**

**AYES:** Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg  
**16** Seabury, Phillip Colla, Shay Nagarsheth, Elmer Palma, Joseph Cavo, Andrew Wetmore, Peter Nero, Fred Visconti, Duane Perkins, Benjamin Chianese, Paul Rotello, Joseph Scozzafava, and Mary Teicholz.

**NAYS:** Philip Curran.  
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***A motion was made by Paul Rotello to refer Item #22 to an Ad hoc committee.*** Seeing no objection Mayor Boughton ordered an Ad hoc committee consisting of Public Works Director and Planning Director with Councilmen Seabury, Wetmore, and Visconti.

22. Communication--B.O.E. Press Release RE: Collective Bargaining Contracts

**Councilman Wetmore requested this item be referred to a Committee of the Whole.** Seeing no objection the request was so ordered by Mayor Boughton.

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

**A motion was made by Philip Curran and seconded by Shay Nagarsheth to waive the reading of Departmental Reports as all members have copies and copies are on file in the Office of the Legislative Assistant. The motion carried unanimously.**

19. COMMUNICATION-Recent CHRO Litigation Settlement

**A motion was made by Joseph Cavo and seconded by Andrew Wetmore to enter Executive Session to discuss Item #19 Litigation Settlement. The motion carried unanimously.**

The City Council entered Executive Session at 9:23 pm.

**A motion was made by Joseph Cavo and seconded by Paul Rotello to return to regular session. The motion carried unanimously.**

The City Council returned to regular session at 9:47 pm

**A motion was made by Joseph Cavo and seconded by Gregg Seabury to approve the CHRO Litigation complaint as discussed in Executive Session. The motion carried unanimously.**

*The Mayor extended all committees*

**Adjourn**

**A motion was made by Jack Knapp and seconded by Fred Visconti to Adjourn. The motion passed unanimously.** As there was no further business before the City Council, the meeting adjourned at 9:50 pm.

Respectfully submitted  
Shani Burke Specht, Recording Secretary

Attest,  
Mark D. Boughton, Mayor