

Council President Cavo called the Common Council Committee of the Whole to order at 7:25PM.

**The members were recorded as follows:**

**Louise P. McMahon, Shay Nagarsheth, James H. Johnson, Charles Trombetta, 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, Robert Riley, Gregg Seabury and Colleen A. Stanley**

**Present: 17    Absent: 4**

**Councilmen Trombetta and Calandrino were out of the country and Councilmen Perkins and Seabury were working.**

Chief Alan Baker, Deputy Corporation Counsel Lazlo Pinter, Antonio Iadarola, P.E., Director of Public Works, Dennis Elpern, Director of Planning were also present to be available to provide information to the Council.

**Historical Property Study (254 Main Street as a historic property)**

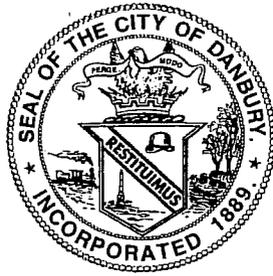
Dennis Elpern, Director of Planning was called upon to provide background information on the murals in the Old Library. Refurbishing was needed but was never funded. Director Elpern advised that a 50/50 matching grant may be available from the State. The Mayor would need to form a Historic Properties Commission comprised of five members and three alternates. Approximately \$17,000 would be the City's portion, but the ordinance needs to be in effect to apply for the funding. **Councilman Nagarsheth moved to receive the report and recommend the adoption of the Historical Property Ordinance Section 4-1 in designating 254 Main St. as a historic property.** Councilmen Levy and Cavo thanked Director Elpern and Ms. Weinstein for their work in identifying and preserving historical locations. Director Elpern also acknowledged Atty. Edwards for her work on the ordinance. **Motion passed by unanimous vote.**

**Councilman Johnson moved to adjourn at 8:45PM.** Councilman Nagarsheth seconded the motion.

**Motion passed by unanimous vote.**

Respectfully submitted,

Doratheia A. Gulya-Stasny  
Recording Secretary



25-1

# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

#### SECTION 4-1 HISTORIC PROPERTY ORDINANCE FOR THE CITY OF DANBURY.

(a) **PURPOSE:** The purpose of this ordinance is to promote the educational, cultural, economic, and general welfare of the public, through the preservation and protection of certain properties within the City of Danbury and to preserve and protect their distinctive characteristics, architectural and historic integrity, recognizing certain historic properties as landmarks in the history of the City.

(1) The premises known as 254 Main Street, the "Old Library", and its site are hereby established as a historic property. The boundaries of this property are hereby fixed and defined as follows:

A certain piece or parcel of land containing 5,182 square feet (0.119 Acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 254 Main Street and known as Tax Assessor's Lot No. 114164 (portion of) bounded and described as follows:

Commencing at a point on the westerly street line of Main Street and the southerly street line of Library Place, which point is the northerly corner of land herein described, said point being the true point or place of beginning, thence running in a southeasterly direction along the westerly street line of Main Street S. 43° 04' 01" E. a distance of 60.19' to a point, thence turning and running in a southwesterly direction through the land of the Grantor S. 47° 53' 08" W. a distance of 94.38' to a point, thence turning and running in a northwesterly direction through the land of the Grantor N. 41° 40' 59" W. a distance of 27.50' to a point, thence turning and running in a northeasterly direction through the land of the Grantor N. 47° 31' 14" E. a distance of 14.88' to a point, thence turning and running in a northwesterly direction through the land of the Grantor the following courses and distances N. 42° 28' 17" W. a distance of 18.61' to a point, thence N. 21° 20' 35" W. a distance of 15.84' to a point, thence turning and running in a northeasterly direction N. 47° 45' 10" E. a distance of 62.83' to a point on the southerly street line of Library Place, thence continuing in a northeasterly direction along the southerly street line of Library Place N. 53° 32' 25" E. a distance of 10.00' to the point or place of beginning.

Bounded:

Northerly: By Library Place.  
Easterly: By Main Street.  
Westerly: By other land of Grantor.  
Southerly: By other land of Grantor.

For a more particular description, reference is made to a map entitled "Map Designating the Boundary of the Historic Property, "The Old Library", Library Place and Main Street, Danbury, Connecticut Scale: 1" = 10' October 17, 2006" prepared by the Engineering Department of the City of Danbury and certified substantially correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

(b) **ESTABLISHMENT:** The Historic Properties Commission is hereby established and shall have such powers and limitations and perform such functions as shall be prescribed under Sections 7-147p through 7-147y of the General Statutes of Connecticut, as may be amended from time to time, and as provided in this Ordinance. This Historic Properties Study Committee is hereby terminated.

(c) **AUTHORIZATION:** This ordinance is enacted pursuant to the provisions of Sections 7-147p through 7-147y of the Connecticut General Statutes, as may be amended from time to time, and incorporates all the powers and duties described therein.

(d) **COMMISSION:** Said Commission shall consist of five (5) Regular Members and three (3) Alternate Members all of whom shall be electors of the City of Danbury, holding no salaried municipal office in said town. Commissioners are to be appointed by the Mayor and confirmed by the Common Council, and shall serve without compensation. Appointments to the Commission shall be made within thirty (30) days of the effective date of this Ordinance. Alternate members when seated shall have all powers and duties of a member.

(1) **TERMS:**

(a) Initial Terms are as follows: one (1) member for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) year, one member for a term of two (2) years and one (1) member for a term of one (1) year. Thereafter, their successors shall be appointed in a like manner for terms of five (5) years.

(b) Vacancies shall be filled for the un-expired term and in the same manner as the original appointment. Vacancies shall be filled within ninety (90) days. Any member or alternate may be appointed for another term or terms. Each member and alternate shall continue in office until his or her successor is duly appointed.

(2) OFFICERS: Within thirty (30) days after the appointment of the original members to the Commission, and annually thereafter, the regular members will meet and elect a Chairman, a Vice Chairman, and a Clerk from their own members for a term of one (1) year.

(3) ALTERNATES: When a regular member is unavailable to act at a particular time due to absence, or a conflict of interest the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(e) QUORUM: Three (3) members of the Commission shall constitute a quorum for the transaction of its business, or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three (3) members shall be necessary for the approval of a Certificate of Appropriateness.

(f) POWERS: The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as prescribed by Sections 7-147p through 7-147y of the Connecticut General Statutes, as may be amended from time to time. The Commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said Statutes and may accept grants and gifts, employ clerical and technical assistance or consultants, and incur other expenses appropriate to the carrying on of its work, subject to appropriation or receipt of such grants or gifts and expend the same for such purposes.

(g) ACTION BY COMMISSION TO PREVENT ILLEGAL ACTS OR TO OBTAIN COMPLIANCE:

(1) If any provision of Sections 7-147p through 7-147y of the Connecticut General Statutes, or any action taken, or ruling made by the Commission has been violated, the Commission may, in addition to other remedies, institute an action in accordance with the provisions of Sections 7-147w and 7-147h of the Connecticut General Statutes, to restrain, correct or remove such violation. Regulations and orders of the Commission issued pursuant to the Connecticut General Statutes or to any regulation or ordinance adopted under the Connecticut General Statutes shall be enforced by the Zoning Enforcement Official or Building Inspector.

(2) The owner or agent of any building, structure or place where a violation of any provision of Sections 7-147p through 7-147y of the Connecticut General Statutes or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which together with reasonable attorney's fees, may be awarded to the Historic Property Commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the Commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the City of Danbury.