

Mayor Mark D. Boughton called the City Council Meeting to order at 7:30pm on Tuesday, March 6, 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 T. Rotello, Joe Scozzafava, Mary Teicholz

Mayor Boughton welcomed new Council Member Stephen Darcy from the 2nd ward.

PRESENT: 21 ABSENT: 0

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:

Captain Bernie Meehan led everyone in the Pledge of Allegiance. Council Member Curran led everyone in the room in a prayer.

PUBLIC SPEAKING

Charles Setaro, 27 Deer Hill Avenue, spoke on items 17 and 19.

Sean Deakin, 50 Washington Avenue, spoke about development on the westside of the city.

Valerie Dawson, 1901 Revere Road, item not agenda.

Mary Reynolds, 15 Library Place, spoke about development on the westside of the city.

Margaret Mitchell, property owner at Park Place and Main Street spoke on #18.

Ken Gucker, 89 Padanaram Road, spoke about development on the westside of the city

Public speaking ended at 7:58pm.

Mayor Boughton read the announcements.

MINUTES - Minutes of the Council Meeting held on February 7, 2012 and February 27, 2012- Special Meeting

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.***

Consent Calendar

Council Member Seabury read the Consent Calendar.

2 - Receive the Communication and confirm the appointment of Fil Cerminara (R), as a Member of the Planning Commission with a term to expire January 1, 2015.

3 - Receive the Communication and confirm the appointment of Michael Ferguson (R) as an Alternate Member of the Planning Commission with a term to expire January 1, 2015.

4 - Receive the Communication and confirm the appointment of Elmer E. Palma (R) as an Alternate Member of the Zoning Commission.

11 - Receive the Communication and adopt the Resolution that will allow the City of Danbury Department of Elderly Services to apply for and accept funding through the Peter and Carmen Lucia Buck Foundation. The funding request is \$25,000 and there is no City match required.

13 - Receive the Report of the Planning Commission and City Engineer and approve the request for Sewer Extension - 55 Newtown Rd. (#L12022 & #L12023).

14 - Receive the Report of the Planning Commission and City Engineer and approve the request for Sewer Extension – 10 Hawley Rd. aka 32 Hawley Rd. (#K08024).

15 - Receive the Report of the Planning Commission and City Engineer and approve the request for Sewer and Water Extension – 50 Shelter Rock Lane (#L15001).

16 – Receive the Reports of Corporation Council, Planning and City Engineer and approve the Rights-To-Drain Easement at 66 James Street, once the Office of Corporation Council receives final executed documentation.

17 - Receive the Report from the Committee of the Whole and adopt the Ordinance Section 2-176 Governmental Entities.

Council Member Knapp moved to receive the Consent Calendar as presented, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

1 - COMMUNICATION - Promotion - Fire Department
Jean Natale, Legislative Assistant read the communication. **Council Member Cavo moved to receive the communication and confirm the appointment of Captain Bernie Meehan to the position of Assistant Fire Chief**, seconded Council Member Stanley. ***Motion passed by unanimous vote.***

2 - COMMUNICATION - Appointment to the Planning Commission
The communication was received on the Consent Calendar and the appointment confirmed.

3 - COMMUNICATION - Appointment to the Planning Commission - Alternate
The communication was received on the Consent Calendar and the appointment confirmed.

4 - COMMUNICATION - Fill Zoning Commission Alternate Vacancy
The communication was received on the Consent Calendar and the appointment confirmed.

5 - COMMUNICATION - Donation - Fire Department
Jean Natale, Legislative Assistant, read the communication. **Council Member Curran moved to receive the communication and accept the donation of \$2,000 from Boehringer-Ingelheim and send a letter of thanks**, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

6 - COMMUNICATION - Sidewalk and Hydrant Easement - East Hayestown Road
Council Member Nagarsheth requested referral to Corporation Counsel, Engineering and Planning for reports.

7 - COMMUNICATION - Sidewalk Easement - Tamarack Avenue (#27-29)
Council Member Taylor requested referral to Corporation Counsel, Engineering and Planning for reports.

8- COMMUNICATION - Request for Sewer Extension - 3 Scuppo Road
Council Member Knapp requested referral to Engineering and Planning for reports.

9 - COMMUNICATION - Request for Water and Sewer Service - Candlewood Park
Council Member Stanley requested an Ad Hoc with Corporation Counsel, Engineering and the Director of Public Works and a report from Planning. Mayor Boughton so ordered and appointed Council Members Cavo, Wetmore and Saadi to the committee.

10- RESOLUTION - Downtown Special Services District - Tax Levy
Jean Natale read the communication. **Council Member Teicholz moved to adopt the Resolution establishing the annual tax levy for the Downtown Special Services District for the fiscal year beginning July 1, 2012 and ending June 30, 2012 set at 1.8725 mills,** seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

11 - RESOLUTION - PCLB Foundation Grant - Elderly Services
The communication and Resolution were received on the Consent Calendar and the Resolution adopted.

12 - RESOLUTION - Dial-A-Ride Transit Service
Jean Natale, Legislative Assistant, read the communication. **Council Member Seabury moved to receive the communication and adopt the Resolution,** seconded by council member Visconti. Council Member Perkins spoke in favor of the Dial-A-Ride Transit Service. ***Motion passed by unanimous vote.***

13 -REPORTS - Sewer Extension - 55 Newtown Road
The reports were received on the Consent Calendar and the request for sewer extension granted.

14 -REPORTS - Sewer Extension - 10 Hawley Road aka 32 Hawley Road
The reports were received on the Consent Calendar and the request for sewer extension granted.

15- REPORTS - Sewer and Water Extension - 50 Shelter Rock Lane
The reports were received on the Consent Calendar and the request for sewer extension granted.

16- REPORTS- Rights to Drain - 66 James Street
The reports were received on the Consent Calendar and the Rights-To -Drain approved subject to conditions.

17 -REPORT & ORDINANCE - Governmental Entities
The report was received on the Consent Calendar and the Ordinance Section 2-176 Government Entities adopted.

18 -REPORT & ORDINANCE - Downtown Deferral of Assessments Code of Ordinance, Section 18-25
Council Member Levy moved to receive the report and adopt the amendment to Code of Ordinance, Section 18-25, seconded by Council Member Perkins. ***Motion passed by unanimous vote.***

19 - DEPARTMENT REPORTS - Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT, Library, Elderly Services
Council Member Cavo moved to waive the reading of the reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant, seconded by Council Member Nagarsheth.

Dean Esposito, Weights and Measures Officer, clarified that some of the seals on gas pumps have been removed by members of the public and on others the date of expiration would be changed out to show the date of sealing. There are approximately 38 gas stations inspected annually. A file is maintained for inspection by the public and the Department of Consumer Protection.

Atty. Pinter, Deputy Corporation Counsel, explained that a consultant is in place to develop reports concerning flood and erosion control.

Council Member Cavo moved to take from the table item #1 from the February Special Meeting in regards to 13+ acres on Old Ridgebury Road, seconded by Council member

Seabury. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Taylor, Colla, Halas, Nagarsheth, Darcy, Cavo, Saadi, Visconti, Wetmore, Nero, Perkins, Chianese, Scozzafava and Teicholz voted in favor. Council Member Rotello voted in the negative. **Motion passed 20/1.** Discussion followed.

Council Member Knapp moved to receive the report and declare 13+ acres on Old Ridgebury Road surplus and authorize the sale of the site for suitable limited use development, with covenants of restriction for PND use, to Realty Equities Group or its related entity or subsidiary owned by or by principal relationship to Mr. Paul Foley and will execute a contract of sale, with standard conditions of sale and use, on or about April 1, 2012 with 10% binder deposit, seconded by Council Member Cavo. This was due to a "friendly amendment" on the floor that night. Discussion followed.

Council Members Rotello and Visconti spoke in opposition to the motion stating that the parcel should be held by the City for future use and that the proposed development may take business away from the downtown area.

Council Member Levy gave a brief history of the property including proposed uses, however none of the proposals moved forward, and he spoke in favor of the motion citing economic development.

Council Member Saadi recommended that the council monitor the deed restrictions. Council member Saadi called upon Paul Foley, Realty Equities and prospective buyer, to give an overview of the proposed development for the record.

Mr. Foley explained that a mixed used complex is proposed. The complex would primarily be a commercial and entertainment development with some one and two bedroom loft apartments on the second and third floors. Construction would be New England architectural style. The majority of the development would be retail and the residential development would be in the minority.

Council Member Knapp moved the question, seconded by Council Member Seabury. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Halas, Nagarsheth, Darcy, Cavo, Wetmore and Scozzafava voted in favor. Council Members Saadi, Visconti, Teicholz, Taylor, Rotello, Perkins, Nero and Chianese voted in opposition. **Motion to move the question passed 13/8.**

The vote on the main motion was as follows: Curran, Haddad, Knapp, Levy, Seabury, Stanley, Taylor, Colla, Halas, Nagarsheth, Darcy, Cavo, Saadi, Wetmore, Nero, Scozzafava, Teicholz voted in favor. Council Members Visconti, Perkins, Chianese and Rotello voted in opposition. **Motion passed 17/4.**

Mayor Boughton extended all committees.

There being no further business to come before the Council a motion was made at 9:30pm by Council Member Taylor, seconded by Council Member Saadi. **Motion passed by unanimous vote to adjourn.**

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary

Attest:
Mark D. Boughton, Mayor