

Hon. Mark D. Boughton, Mayor

Common Council Members

Mayor Mark D. Boughton called the Common Council Meeting to order at 7:30 p.m. on Tuesday, June 5, 2007. Present were Council Members: Louise P. McMahon, Shailesh Nagarsheth, James H. Johnson, Charles Trombetta, Michael J. Calandrino, Duane E. Perkins, Fred Visconti, Benjamin Chianese, John J. Esposito, Joseph M. Cavo, Pauline R. Basso, Paul T. Rotello, Jane Diggs, Mary Teicholz, Robert T. Riley, Mary G. Saracino, Gregg W. Seabury, Colleen A. Stanley, and Lynn H. Taborsak.

Absent: Thomas Saadi (On Military Leave) PRESENT: 19, ABSENT: 1, VACANCY: 1

Also present were Jean Natale, City Clerk; Robert J. Yamin, Corporation Counsel; Laszlo L. Pinter, Deputy Corporation Counsel and Eric L. Gottschalk

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

Deputy Police Chief Terrance Shanahan led everyone in the room in the Pledge of Allegiance. Councilman Cavo led everyone in the room in a prayer.

**PUBLIC PARTICIPATION:**

Elise C. Marciano, 179 Long Ridge Road, spoke in favor of Item #8, Parade and Public Assemblies.

Lynn Waller, 83 Highland Avenue, spoke on items #17, #39 and #46 – she also praised the City Departments for the work they did during the recent floods

Jennifer Beers, 10 Anchor Street, spoke against item #8, Parade and Public Assemblies.

Christine Halfar, 8 Settlers Hill Road, spoke against Item #8, Parade and Public Assemblies.

Gregory Marciano, 179 Long Ridge Road, spoke in favor of Item #8, Parade and Public Assemblies.

Betty Kugell, 17 Library Place, spoke in favor of Item #8, Parade and Public Assemblies.

Joseph DaSilva, Jr, 161 Main Street, spoke against of Item #8, Parade and Public Assemblies.

Patricia Kadet, 19 Lakeview Drive, spoke in favor of Item #8, Parade and Public Assemblies.

John Woodruff, 9 Madison Avenue, spoke against Item #8, Parade and Public Assemblies.

Robert Melillo, 1 Lois Street, spoke in favor of Item #8, Parade and Public Assemblies.

*Public Participation was closed at 8:05 p.m.*

Mayor Boughton read the announcements for the month of June.

## **MINUTES:**

A motion was made by Councilman Cavo and seconded by Councilman Perkins that the Common Council approve the Minutes of the Common Council Meeting of May 1, 2007 as presented and to waive the reading of same as the Council have copies of the Minutes and are available in the City Clerk's office. The motion carried unanimously.

## **CONSENT CALENDAR:**

Councilwoman Basso presented the following items for the Consent Calendar:

- 3- Receive the communication and confirm the appointments of Donna Rae Moore and Jeffrey F. Preston as members of the Tarrywile Park Authority with terms to expire on January 1, 2010.
- 4- Receive the communication and confirm the appointments of Frank M. Reed, Paul Kachevsky and Lisa C. Koeppel as members of the Commission on Persons with Disabilities.
- 5- Receive the communication and confirm the appointment of Dr. Gregory M. Smith as a member of the Cultural Commission with a term to expire February 1, 2010.
- 7- Receive the communication and confirm the appointments as alternate members of the Charles Ives Authority for the Performing Arts. Lauren Larsen with a term to expire on March 1, 2010, Eileen W. Alberts with a term to expire on March 1, 2009 and Gina Ann Marcus with a term to expire March 1, 2008.
- 16 – Receive the communication and approve the Suspense List as outlined therein.
- 18- Receive the communication and authorize the re-designation of \$480,000 in order for the Office of the Corporation Counsel to proceed to acquire the subject property.
- 19 – Receive the communication and authorize the transfer of \$10,000 into the Fire Department Special Services Account #2010.5052.
- 20 – Receive the communication and authorize the transfer of \$50,000 into the Police Department Special Services Account # 2000.5052.
- 21- Receive the communication and authorize the transfer of \$7,000 from the Bear Mountain Reservation reserve fund account 2.2107 to the outside services account 1260.5334 as of July 1, 2007.
- 22 – Receive the communication and authorize the receipt of funding from the Connecticut Association of School-Based Health Center Convention to enable Melanie Bonjour to attend the "Healthy Students, Health Nation" conference.
- 29 – Receive the communication and approve the Resolution to authorize the City of Danbury Fire Department to accept funding from FEMA for the purpose of driver training and safety courses in the amount of \$132,000.
- 30 – Receive the communication and approve the Resolution to authorize the City of Danbury Fire Department to accept funding from The National Fallen Firefighters Foundation for thermal imaging equipment.

31- Receive the communication and approve the Resolution to authorize the City of Danbury Health, Housing and Welfare Department to accept additional funds for the WIC Program from the State of Connecticut, Department of Public Health in the amount of \$7500.

32- Receive the communication and approve the Resolution to authorize the City of Danbury WIC program to enter into an agreement with the State of Connecticut, Department of Agriculture for funding in the amount of \$736.50 for staffing at the Farmer's Market.

33- Receive the communication and approve the Resolution to authorize the City of Danbury, Department of Health, Housing and Welfare to apply for and accept funding from the State of Connecticut, Department of Public Health in the amount of \$13, 755 for the Preventive Health Care Grant.

34 – Receive the communication and approve the Resolution authorizing the City of Danbury, Department of Health, Housing and Welfare to apply for and accept funding from the State of Connecticut, Department of Public Health in the amount of \$75, 491.43.

37- Receive the communication and approve the Resolution authorizing the City of Danbury to accept a grant from the State of Connecticut in the amount of \$91,000 for traffic signal improvements.

38 – Receive the communication and approve the Resolution authorizing the City to proceed with the acquisition of easements for the White Street Streetscape Project as outlined therein.

41 – Report – Government Entities Review Committee  
Receive the report and approve the recommendations of the committee.

42 – Ad Hoc Report – Applebee's Water and Sewer Rate Reduction  
Receive the report and approve the recommendations of the committee.

43 – Ad Hoc Report – Reynolds Road – Water and Sewer – BG Partners  
Receive the report and approve the recommendation of the committee.

44 – Ad Hoc Report – Reynolds Road – Water and Sewer – Sterling Construction  
Receive the report and approve the recommendation of the committee.

47– Ad Hoc Report & Ordinance – Architectural Review Board  
Receive the report and refer to Public Hearing.

A motion was made by Councilwoman Saracino and seconded by Councilman Cavo to accept the Consent Calendar. ***The motion carried unanimously.***

#### **1. COMMUNICATION—Appointment of Council Member At Large:**

City Clerk Natale read the letter from the Republican Town Committee requesting the appointment of Philip Curran to fill the vacancy.

Councilwoman Teicholz moved to accept the communication and approve the appointment and seconded by Councilwoman McMahon. Councilman Chianese made a motion to send it to an Ad Hoc Committee. Mayor Boughton so ordered and appointed Council Members Joe Cavo, Pauline Basso and Fred Visconti.

**2. COMMUNICATION—Promotion – Police Department:**

City Clerk Natale read the letter from Mayor Mark D. Boughton requesting confirmation of the Promotion of Adam Marcus to the Detective Bureau. Councilman Johnson moved to accept the communication and approve the promotion. Councilman Trombetta seconded the motion. *The motion carried unanimously.*

**3. COMMUNICATION—Appointments - Tarrywile Park Authority:**

The communication was received on the consent calendar and approved.

**4. COMMUNICATION—Appointments - Commission on Persons with disAbilities:**

The communication was received on the consent calendar and approved.

**5. COMMUNICATION—Appointment – Cultural Commission:**

The communication was received on the consent calendar and approved.

**6. COMMUNICATION—Appointment – Alternate, Environmental Impact Commission:**

City Clerk Natale read the letter appointing Brian Davis to the Commission as an alternate. Councilman Joe Cavo moved to accept the Communication and confirm the appointment of Mr. Davis. The motion was seconded by Councilwoman Basso. *Discussion followed about any possible conflict Mr. Davis may have. Attorney Gottschalk stated that as with anyone who has a conflict they should abstain from voting on that particular issue. The motion passed and the appointment was confirmed with 16 yes and 4 no (Councilpersons Perkins, Visconti, Chianese and Taborsak voting against.)*

**7. COMMUNICATION—Appointments – Alternates, Charles Ives Authority**

The communication was received on the consent calendar and approved.

**8. COMMUNICATION—Parade Ordinance – Parliamentary Procedure:**

City Clerk Natale read the communication from Mayor Boughton regarding last month's vote on the Parade Ordinance. Councilman Cavo made a motion to reconsider the Ordinance and seconded by Councilwoman Saracino. Councilman Paul Rotello asked that this be referred to an Ad Hoc Committee. The Mayor so ordered an appointed Councilman Joe Cavo, Pauline Basso and Fred Visconti.

**9. COMMUNICATION—Funds AIDS Project Greater Danbury:**

City Clerk Natale read the communication from the Mayor. Councilman Trombetta moved to accept the communication and transfer the funds. The motion was seconded by Councilman Rotello. *A brief discussion followed. The motion carried unanimously.*

**10. COMMUNICATION—Line of Credit – Board of Education:**

City Clerk Natale read the communication from the Mayor recommending a 'line of credit' be given to the Board of Education.

A motion was made by Councilwoman Diggs and seconded by Councilwoman Basso to receive the communication and approve the 'line of credit. *A discussion followed regarding the 'line of credit'. The motion carried unanimously.*

**11. COMMUNICATION—Donation to Danbury CERT Program:**

City Clerk Natale read the letter donating \$40 to the Danbury CERT program in memory of Eleanor Bartram from the Beckerle Hose Company. Councilman Johnson moved to accept the donation and send a letter of thanks and seconded by Councilman Nagarsheth.

***Motion carried unanimously.***

**12. COMMUNICATION—Donations to the Department of Elderly Service:**

City Clerk Natale read the letter donating money to Elderly Services from Almost Family (\$75), The Homestead (\$25), Maplewood (\$30), Danbury Towers (\$25), Lutheran Home (\$50) and The Village at Brookfield Common (\$75). Councilman Nagarsheth moved to accept the donations and send a letter of thanks and seconded by Councilwoman Basso.

***Motion carried unanimously.***

**13. COMMUNICATION—Donations to the Homeless Shelter Program:**

City Clerk Natale read the letter donating \$2000 to the Homeless Shelter by Powers Industries. Councilwoman Stanley moved to accept the donation and send a letter of thanks and seconded by Councilman Chianese.

***Motion carried unanimously.***

**14. COMMUNICATION—Donations to the Emergency Shelter:**

City Clerk Natale read the letter donating toiletries and socks to Danbury's Emergency Shelter by the Danbury High School Key Club. Councilman Seabury moved to accept the donation and send a letter of thanks and seconded by Councilwoman McMahon.

***Motion carried unanimously.***

**15. COMMUNICATION—Donation of Engineering Services – Lake Kenosia:**

City Clerk Natale read the letter donating Engineering Services. Councilman Calandrino moved to accept the donation and send a letter of thanks and seconded by Councilman Chianese. *A discussion followed about 'Carp' and the engineer. It was stated the engineer was actually donating his service to Jack Kozuchowski who is a consultant for the Lake Kenosia Board.*

***Motion carried unanimously.***

**16. COMMUNICATION — Annual Suspense List:**

The communication was received on the consent calendar and approved.

**17. COMMUNICATION — Amendment to Lease – Roberts Avenue School:**

City Clerk Natale read the communication. Councilman Riley moved to accept the communication and extend the lease to November 28, 2009. The motion was seconded by Councilman Rotello. *A brief discussion followed.*

***Motion carried unanimously.***

**18. COMMUNICATION — Grenier — Airport Property Acquisition — Funding Certification:**

The communication was received on the consent calendar and approved.

**19. COMMUNICATION — Transfer of Funds — Fire Department:**

The communication was received on the consent calendar and approved.

**20. COMMUNICATION — Transfer of Funds — Police Department:**

The communication was received on the consent calendar and approved.

**21. COMMUNICATION — Transfer of Funds — Conservation Commission:**

The communication was received on the consent calendar and approved.

**22. COMMUNICATION — Acceptance of Funds from CT Association of School Based Health Center (Bioterrorism Preparedness Contract):**

The communication was received on the consent calendar and approved.

**23. COMMUNICATION — Request for Sewer — 102 Federal Road:**

City Clerk Natale read the request.

Councilwoman McMahon asked that this be referred to an Ad Hoc Committee along with the Director of Public Works Department and 30 day report from Planning Commission. Mayor Boughton so ordered and appointed Council Members Robert Riley, Shay Nagarsheth and Thomas Saadi to the Committee.

**24. COMMUNICATION — Request for Sewer — 15 Bates Place:**

City Clerk Natale read the request.

Councilman Riley asked that this be referred to an Ad Hoc Committee along with the Director of Public Works Department and 30 day report from Planning Commission. Mayor Boughton so ordered and appointed Council Members Robert Riley, Shay Nagarsheth and Thomas Saadi to the Committee.

**25. COMMUNICATION — Request for Outdoor Patio — 1 Ives Street:**

City Clerk Natale read the request.

Councilwoman Stanley moved to approve the license agreement pending approval from the Planning Commission. The motion was seconded by Councilman Trombetta. *A brief discussion regarding liability was held.* Councilman Ben Chianese recused himself because of a possible conflict.

***Motion carried (with Councilman Chianese abstaining).***

**26. COMMUNICATION – Affordable Housing Contract – Caroline Commons:**

City Clerk Natale read the request.

Councilman Seabury asked that this be referred to an Ad Hoc Committee along with a representative from the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Gregg Seabury, Mary Teicholz and Duane Perkins to the Committee.

**27. RESOLUTION – Danbury Public Schools – Honeywell Energy Conservation and Capitol Improvement:**

City Clerk Natale read the request.

Councilwoman McMahon asked that this be referred to an Ad Hoc Committee along with a representative from the Corporation Counsel, Finance Department and Superintendent of Schools. Mayor Boughton so ordered and appointed Council Members Jane Diggs, Colleen Stanley and Paul Rotello to the Committee

**28. RESOLUTION – Bank Account Authorization – JP Morgan Chase:**

City Clerk Natale read the request.

Councilman Cavo moved that the communication be accepted and approval given to open an account. The motion was seconded by Councilwoman Basso. *Acting Director of Finance Dan Garrick explained why this account was open with JP Morgan.*  
***Motion carried unanimously.***

**29. RESOLUTION – Fire Department Grant – FEMA:**

The communication was received on the consent calendar and approved.

**30. RESOLUTION – Fire Department Grant – Into the Fire:**

The communication was received on the consent calendar and approved.

**31. RESOLUTION – WIC Grant Additional Funding:**

The communication was received on the consent calendar and approved.

**32. RESOLUTION – WIC Farmer’s Market:**

The communication was received on the consent calendar and approved.

**33. RESOLUTION – Preventative Health Care Block Grant:**

The communication was received on the consent calendar and approved.

**34. RESOLUTION – Per Capita Grant:**

The communication was received on the consent calendar and approved.

**35. RESOLUTION – Community Development Block Grant Program:**

City Clerk Natale read the request.

Councilman Cavo moved that the communication be accepted and accept the funding. The motion was seconded by Councilman Seabury. *A discussion followed, Susan Tomanio from Elderly Services, Dan Garrick from Finance Department and Mr. Larry Wagner answered several questions.*

***Motion carried unanimously.***

**36. RESOLUTION – Main Street North Streetscape Project:**

City Clerk Natale read the request.

Councilman Calandrino moved that the communication be accepted and approve the supplement agreement. The motion was seconded by Councilman Johnson. *Councilwoman Saracino asked if funding was available and Dan Garrick, Acting Director of Finance, verbally certified availability.*

***Motion carried unanimously.***

**37. RESOLUTION – Improvements to the Backus Avenue Traffic Signal:**

The communication was received on the consent calendar and approved.

**38. RESOLUTION – Acquisition of Sidewalk Easement - White Street Streetscape Project:**

The communication was received on the consent calendar and approved.

**39. ORDINANCE – Establishment of the Danbury Museum and Historical Society:**

City Clerk Natale read the request.

Councilwoman Diggs asked that this be referred to an Ad Hoc Committee along with a representative from the Mayor’s Office, Corporation Counsel, Department of Finance and a Representative from Museum and Historical Society. Mayor Boughton so ordered and appointed Council Members Mike Calandrino, Jimmy Johnson and John Esposito to the Committee.

**40. ORDINANCE – Rose Hill Avenue Bridge**

City Clerk Natale read the request.

Councilwoman Basso referred the request to a Public Hearing.

**41. REPORT – Government Entities Review Committee:**

The communication was received on the consent calendar and approved.

**42. AD HOC REPORT – Applebee’s Water and Sewer Rate Reduction:**

The communication was received on the consent calendar and approved.

**43. AD HOC REPORT – Reynolds Road – Water and Sewer – BG Partners:**

The communication was received on the consent calendar and approved.

**44. AD HOC REPORT - Reynolds Road – Water and Sewer – Sterling Construction:**

The communication was received on the consent calendar and approved.

**45. AD HOC REPORT – Senior Energy:**

Councilman Johnson moved to waive the reading of the report and refer the Ordinance to Public Hearing.

***Motion carried unanimously.***

**46. AD HOC REPORT – Clean Energy:**

Councilman Cavo moved to waive the reading of the report and to accept the recommendations of the committee. The motion was seconded by Councilwoman Basso. *A discussion followed with questions answered by Acting Director of Finance Garrick and Mayor Boughton.*

***Motion carried unanimously.***

**47. AD HOC REPORT & ORDINANCE – Architectural Review Board**

The communication was received on the consent calendar and approved for Public Hearing.

*Councilman Cavo moved to place Item 49 (Department Reports) before Item 48 (Executive Session) on the Agenda. Motion was seconded by Councilman Chianese.*

***Motion carried unanimously.***

**49. DEPARTMENT REPORTS—Police, Fire, Fire Marshall, Elderly Services, Health-Housing & Welfare, Dream Homes, Public Works, Permit, Unit, Library:**

A motion was made by Councilman Cavo and seconded by Councilwoman Basso to receive the communication and accept the Department Reports as presented.

Kudos were given to Antonio Iadarola and his staff; Police and Fire Departments and Scott Leroy as well as Mayor Boughton for the award he received for his advances on homelessness.

**48. EXECUTIVE SESSION – Appeals of Two Eminent Domain Actions:**

*The Council went into Executive Session and 9:28 pm*

**After the Executive Session the Mayor asked to review Item #8**

**8. COMMUNICATION—Parade Ordinance – Parliamentary Procedure:**

Mayor Boughton explained to the Council the reason why the Council should revisit this issue. He informed them that the action taken earlier to refer the motion to reconsider to an Ad Hoc Committee by Councilman Rotello would make the proposed Ordinance a law. The Corporation Counsel ruled that if the Communication is referred to an Ad Hoc Committee

and no action is taken on the motion to reconsider the Ordinance automatically becomes law because of the time requirement on a motion to reconsider set forth by the Code of Ordinances. Mayor Boughton gave Councilman Rotello the option to withdraw referral for an Ad Hoc if this was not his intention. Councilman Rotello withdrew his request for an Ad Hoc committee. After discussion on the motion to reconsider that was pending, the Mayor asked the City Clerk to call the roll.

*The motion is to reconsider:*

*McMahon – No; Nagarsheth – No; Johnson – No; Trombetta – No; Calandrino – No; Perkins- Yes; Visconti – Yes; Chianese – Yes; Esposito – Yes; Cavo – No; Basso – No; Rotello – Yes; Diggs – Yes; Teicholz – No; Riley – No; Saracino – Yes; Seabury – No; Stanley – No; Taborsak – Yes*

***The motion failed 8 Yes – 11 No. The Ordinance is Adopted.***

Mayor Boughton extended all committees.

A motion was made by Councilman Cavo and seconded by Councilwoman Basso that the Common Council Meeting be adjourned. ***The motion carried unanimously at 10:15 pm.***

Respectfully submitted,

Dot Stasny  
Recording Secretary

Attest,  
Mark D. Boughton, Mayor