

~ **CITY OF DANBURY COMMON COUNCIL** ~
Meeting Minutes
Wednesday, September 3, 2008

Hon. Mark D. Boughton, Mayor

Common Council Members

Joseph M. Cavo, President, called the Common Council Meeting to order at 7:30 p.m. on Wednesday, September 3, 2008. 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, Thomas J. Saadi, Paul T. Rotello, N. Jane Diggs, Mary Teicholz, Robert F. Arconti, Philip D. Curran, Jack Knapp, Warren M. Levy, Robert T. Riley, Gregg W. Seabury and Colleen A. Stanley.

Absent: Hon. Mark D. Boughton, Mayor as he was out of town.

Also present were Jean Natale, City Clerk; Laszlo L. Pinter, Deputy Corporation Counsel; David W. St. Hilaire, Director of Finance; interested citizens; and members of the press.

PLEDGE OF ALLEGIANCE TO THE FLAG & A PRAYER:

Councilwoman Stanley led everyone in the room in the Pledge of Allegiance. Councilman Curran led everyone in the room in a prayer.

Councilman Cavo asked Jean Natale to call roll.

PRESENT: 21, ABSENT: 0

PUBLIC PARTICIPATION:

Mark Nolan, 37 Brushy Hill Road, addressed Item 19, Connecticut Film Festival. Mr. Nolan supports funding the Film Festival as he felt that such an event would enhance the economic vitality of the central business district. He asked the Common Council to support the funding of the event.

Jim Bellano {*address inaudible*}, addressed Item 19, Connecticut Film Festival. Mr. Bellano supports funding the Film Festival as he felt that not only is the health of local businesses affected but the quality of life in Danbury is enhanced by such an event.

Michael Hauck, 55 Cross Street, addressed Item 19, Connecticut Film Festival. He worked with Tom Carruthers as a projectionist and supports funding the Film Festival.

Lynn Waller, 83 Highland Avenue, addressed Item 19, Connecticut Film Festival. Ms. Waller objects to funding the Film Festival on an ongoing basis as she expressed concern with the present state of the economy. She pointed out the hardships being felt by limited income individuals in particular and did not feel it was fair to burden them with an expense that they did not directly benefit from. She suggested urging funding being obtained by other means such as grants, fundraisers or assistance through the Tourism Commission, City Center or other agencies. She felt there were other items that need to be addressed in Danbury which taxpayer funds should be used for.

Margaret Mitchell, Main and Park Place, addressed Item 19, Connecticut Film Festival. Ms. Mitchell supports events if seed money is used until the event can stand on its own but objects to spending taxpayer money unwisely. She pointed out the never ending list of items which Danbury wishes to implement and is concerned with her taxes continuing to go up as a result.

George Korres, owner of Nico's at 175 Main Street, addressed Item 19, Connecticut Film Festival. Mr. Korres supports funding the Film Festival as he felt that it was a tremendous source of publicity for not only the local businesses but also the City of Danbury. He reaped the benefits of the Festival with an increase in business and new patrons.

Irene Krisciunas, 149 Great Plain Road, addressed Item 19, Connecticut Film Festival. Ms. Krisciunas supports funding the Film Festival as she felt that it was an important event for Danbury. The event generates exposure for Danbury and generates income to the City and its businesses.

Jim Nolan, 16 Southern Boulevard, addressed Item 19, Connecticut Film Festival. Mr. Nolan supports funding the Film Festival as he felt that the amount of funding being sought is such a small amount but the direct economic benefits are tremendous. The marketing alone that the City received outweighs the funding being spent on the Festival. Such an event will help to draw businesses to relocate to Danbury and assist in the economic health of the City especially during this time of recession.

Kurt Rundhaug, 40 Deer Hill Avenue, addressed Item 19, Connecticut Film Festival. Mr. Rundhaug moved from Manhattan to Danbury and was very pleased with such an event occurring in Danbury. He and his family enjoyed the event and noted the amount of people that were drawn to the City during the event. He supports funding the Film Festival and urged the Common Council to approve the expenditure.

Michael Bick, 85 Post Road, addressed Item 19, Connecticut Film Festival. Mr. Bick was one of the sponsors of the Film Festival and donated food for opening night and closing night. He found it to be an exciting event and was pleased to have been a part of it and will donate his services in the future. Mr. Bick supports funding the Film Festival.

As no other member of the public wished to speak, Public Participation was closed at 7:55 p.m.

Councilman Cavo recognized the following: The birth of Councilman Saadi's twins. Councilman Esposito's birthday on September 12th and Councilman Calandrino's birthday on September 22nd.

Councilman Cavo read the announcements for the month of September.

MINUTES:

A motion was made by Councilwoman Teicholz and seconded by Councilman Nagarsheth that the Common Council approve the Minutes of the Common Council Meeting of August 5, 2008 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:

Councilman Seabury presented the following items for the Consent Calendar:

4. Receive the communication and accept the donation from Najlah Antous, Arabic American Cultural Association, to the Danbury Library in the amount of \$559.62 and deposit it in to the Library Fund.4651 donations.

7. Receive the communication and accept the Danbury Train Station Lease Proposed Budget as presented.

13. Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Scott LeRoy to apply for and accept funding from the Macerich Corporation to help sponsor the Violence Prevention Program through the School Based Health Center at Danbury High School and Project Homeless Connect, with funding not to exceed \$500 for each program.

14. Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Fire Chief Geoff Herald to apply for and accept funding from the State of Connecticut Department of Health for EMS training in the amount of \$2,999.00.

15. Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Paul D. Estefan to execute and file applications, contracts and agreements with the Commissioner of Environmental Protection, to the D.E.P. and F.E.M.A. for a Pre-Disaster Mitigating Planning Grant.

16. Receive the communication and adopt the Resolution to authorize Mayor Mark D. Boughton or Paul D. Estefan to execute and file applications, contracts and agreements, including a Memorandum of Agreement with the State of Connecticut Department of Emergency Management and Homeland Security for a State Tactical on Scene Communications Box.

A motion was made by Councilwoman Teicholz and seconded by Councilman Johnson to accept the Consent Calendar.

Councilman Chianese requested the removal of Item No. 4 from the Consent Calendar.

The motion carried unanimously with the removal of Item No. 4.

1. COMMUNICATION—Promotion to the Police Department:

City Clerk Natale read the letter dated August 27, 2008 from Mayor Mark D. Boughton to the Members of the Common Council.

A motion was made by Councilman Arconti and seconded by Councilwoman McMahon to receive the communication and confirm the promotion of Officer Walter Chapman for the position of Sergeant for the Danbury Police Department. The motion carried unanimously.

Councilman Cavo congratulated Mr. Chapman and thanked him for his service to the Police Department. He passed along Mayor Boughton's congratulations and apologies that he could not be present. Mr. Chapman introduced his children.

2. COMMUNICATION—Appointment of Legal Counsel:

City Clerk Natale read the letter dated August 27, 2008 from Mayor Mark D. Boughton to the Members of the Common Council.

A motion was made by Councilwoman Teicholz and seconded by Councilman Trombetta to receive the communication and approve the appointment of the law firm of Cramer & Anderson, LLP as an authorized legal counsel for the City of Danbury. The motion carried unanimously.

3. COMMUNICATION—Energy Conservation Tax Credit:

Councilwoman Diggs asked that this be referred to an Ad Hoc Committee along with a representative from the Tax Assessor's Office, a representative from the Mayor's Office, the Director of Finance and Corporation Counsel being present. Councilman Cavo so ordered and appointed Council Members Joseph Cavo, Mary Teicholz and Thomas Saadi to the Committee.

4. COMMUNICATION—Donation to the Danbury Library:

City Clerk Natale read the letter dated August 21, 2008 from Mark Hasskarl, Library Director, to Mayor Mark D. Boughton.

The communication was removed from the consent calendar and approved as follows:

A motion was made by Councilwoman Teicholz and seconded by Councilman Chianese to receive the communication, accept the donation from Najlah Antous, Arabic American Cultural Association in the amount of \$559.62 to be deposited into the LIBRARYFUND.4651 Donations and send the appropriate letter of thanks. The motion carried unanimously.

5. COMMUNICATION—Donations to Elderly Services:

City Clerk Natale read the letter dated August 25, 2008 from Susan Tomanio, Director of Elderly Services, to Mayor Mark D. Boughton and the Member of the Common Council.

A motion was made by Councilman Saadi and seconded by Councilwoman Teicholz to receive the communication and accept the donation of funds and equipment as communicated in the letter dated August 25, 2008 and send the appropriate letters of thanks.

Councilman Saadi pointed out that Mr. Bailey was a pillar of the community and noted the contribution is a tribute to the community, his son and family's legacy.

The motion carried unanimously.

6. COMMUNICATION—Donation to Park and Recreation Department:

City Clerk Natale read the letter dated August 12, 2008 from Nicholas Kaplanis, Director of Recreation, to Mayor Mark D. Boughton and the Members of the Common Council.

A motion was made by Councilman Nagarsheth and seconded by Councilwoman McMahon to receive the communication, accept the donation of \$1,000.00 from the Wal-Mart Foundation and send the appropriate letter of thanks. The motion carried unanimously.

7. COMMUNICATION—Danbury Train Station Lease Proposed Budget:

The communication was received on the consent calendar and approved.

8. COMMUNICATION—Duckpin Bowling Lanes Update:

City Clerk Natale read the letter dated August 26, 2008 from Laszlo L. Pinter, Deputy Corporation Counsel, to Mayor Mark D. Boughton and the Members of the Common Council.

A motion was made by Councilman Seabury and seconded by Councilman Riley to receive the communication and authorize the assignment and transfer of the business assets and assign Mr. Troccola's lease to Mr. Kenneth Nelson provided all contingencies requested by the Ad Hoc Committee have been met successfully.

Councilman Saadi confirmed that the background check and credit check request have been satisfied as well as the modifications to the Option and Purchase Agreement. The current lease holder will be liable for any defaults during the option period.

The motion carried unanimously.

9. COMMUNICATION—Water Usage:

Councilman Riley requested this item be referred to the Director of Public Works and Corporation Counsel for reports.

10. COMMUNICATION—Sidewalk Easement ~ 84 Hospital Avenue:

Councilman Seabury requested this item be referred to the Director of Public Works and Corporation Counsel for reports.

11. COMMUNICATION—Request for Water ~ 22 Shelter Rock Lane:

Councilman Johnson requested this item be referred to Engineering and the Planning Commission for reports.

12. COMMUNICATION—Request for Sewer ~ 1 Mendes Road:

Councilman Knapp requested this item be referred to Engineering and the Planning Commission for reports.

13. RESOLUTION—Macerich Corporation:

The communication was received on the consent calendar and approved.

14. RESOLUTION—EMS Training Grant:

The communication was received on the consent calendar and approved.

15. RESOLUTION—D.E.P. and F.E.M.A. Grant:

The communication was received on the consent calendar and approved.

16. RESOLUTION—State Tactical Scene Communication Box:

The communication was received on the consent calendar and approved.

17. REPORT—Sheridan Street Renumbering:

Councilwoman McMahon requested this item be referred to a Public Hearing.

18. AD HOC REPORT—Oil Watch:

Councilman Calandrino read the report.

A motion was made by Councilman Calandrino and seconded by Councilman Johnson to receive the report and approve the recommendations of the Committee.

The intent was for local oil companies to join forces to provide a link for the public to access oil prices.

Wade Anderson, Information Technology Manager, presented to address this item. Councilman Visconti asked Mr. Anderson if the website problems had been cleared up. Mr. Anderson explained that he anticipated problems with participation from the various vendors throughout the area in posting oil prices. Councilman Cavo clarified by adding that one of the Committee recommendations was to not post individual oil company's prices on the City's website. Rather provide a link to the State of Connecticut Consumer Protection Department for consumers to gather information about oil companies in the region. Mr. Anderson pointed out that the City's website would merely provide access to various sites. Councilman Saadi understood that linking and providing individual commercial information would prove to be difficult and introduce liability issues to the City. A result, a decision was made to link to government sites. Mr. Saadi offered another link which is to the ICPA (Independent Connecticut Petroleum Association) they collect significant amounts of information and work hand-in-hand with many federal and state agencies.

The motion carried unanimously.

19. AD HOC REPORT—Connecticut Film Festival:

Councilman Calandrino read the report.

Tom Carruthers presented to address this item.

A motion was made by Councilman Trombetta and seconded by Councilman Nagarsheth to receive the report and approve the recommendations of the Committee.

Councilman Esposito referenced the last paragraph wherein Mr. Rotello's motion stipulated that a positive recommendation of the contract by the Corporation Counsel be given at the September meeting of the Common Council. Attorney Pinter explained that his office is prepared to issue a contract upon the Council's approval. There will be no significant changes made unless so determined by the Council. The contract will be prepared in accordance to last year's contract. Councilman Calandrino recognized the ongoing concerns of the cost of home heating oil for the coming winter season and rising taxes. However, he pointed out the long-term benefits that an event such as the Film Festival can potentially bring to the City of Danbury. While Councilman Levy expressed support for cultural events being held in Danbury, he did not support the expenditure of the Festival. The constituents that contacted him expressed disapproval of spending taxpayer funds for items that don't reap a direct benefit to them. Councilman Levy felt that the expenditure would send a message to the taxpayers that the City has excess funds to spare. While the downtown businesses reaped the benefits of the event, Councilman Saadi felt that the event benefited

Danbury as a whole. However, he is cautious about how funds are spent and offered the following alternative:

A motion to amend was made by Councilman Saadi and seconded by Councilman Visconti to provide \$32,500.00 to the Connecticut Film Festival contingent upon matching funds being raised as cash donations or sponsorships within a six-month period. Or, in lieu of raising such funds, the Film Festival has the option to return to the Council for reauthorization of the amount and at that time a request for additional funding could be made.

Councilman Chianese agreed with the amendment noting initiative on both sides—partnership from the City to the Festival and also gives incentive to the Festival to raise funds. He felt that the Festival needed to wean itself off of government funding and felt this was a good opportunity to achieve that goal. Councilman Arconti asked what the risks were if only half of the funds were approved and the remaining funds were not acquired. Mr. Carruthers pointed out the timeframe needed to plan the event. He is unable to predict the sponsorships that may be acquired. He was able to acquire \$500,000 worth of in-kind donations for this year's event as the vendors gain a tremendous amount of exposure. His intentions are to eventually wean off of the funding. When questioned by Councilman Visconti, Mr. Carruthers did indicate that should Danbury not commit to fund the event, he will have to look to other Cities and Towns similar to the economic development model that Danbury offers. Councilman Riley did not approve of the expenditure. Councilman Rotello did not approve of the amendment. He felt Mr. Carruthers was moving in the right direction and would eventually wean off government funding. Councilman Saadi pointed out that Mr. Carruthers only had three months to plan the event. Now, he has eight or nine months to plan the event and feels Mr. Carruthers has ample time to be able to gain corporate sponsors for the upcoming event. Councilman Curran was opposed to the amendment. Councilman Cavo passed the gavel to Councilman Seabury so he could speak on this item. Councilman Cavo pointed out the exposure Danbury received not to mention the income it generated through visitor spending. He urged everyone to keep Danbury's economic development growing. He felt the \$65,000.00 investment was not a lot of money in order to work with one facet of the City's economic development. He used Norwalk's Oyster Festival as an example and questioned how much their event generated the first year. He did not approve the amendment. Councilman Trombetta felt there was not a dollar limit that could be attributed to the benefits downtown Danbury received. He felt the event would help to revitalize downtown Danbury which a goal of the City. He approved the expenditure and opposed the amendment.

Councilman Saadi moved the question regarding the amendment, seconded by Councilman Rotello and carried unanimously.

Roll call was taken for the vote on the amendment:

McMahon – No
Nagarsheth - No
Johnson – No
Trombetta – No
Calandrino – No
Perkins – No
Visconti – Yes
Chianese – Yes
Esposito – Yes
Saadi – Yes
Cavo – No
Rotello – No

*Diggs – No
Teicholz – No
Arconti – No
Curran – No
Knapp – No
Levy – Yes
Riley – Yes
Seabury – No
Stanley – No*

*No = 15
Yes = 6*

The amendment failed. (Yes – 6, No – 15.)

Councilman Perkins encouraged everyone to support the event going forward even though there are concerns with the expense as it is good for the health of Danbury's economy. Councilman Riley urged Mr. Carruthers to seek other means of funding as future funding by the City is uncertain. Councilman Rotello felt that the Festival was a great opportunity for the younger citizens of Danbury to become successful in the film industry which potentially can benefit Danbury. He felt the Festival offers Danbury a great opportunity for exposure and to change the perception of Danbury which in turn entices potential businesses to relocate to Danbury. Councilman Chianese, as an individual, supports the Festival, but financially, he opposed the expenditure in light of the City looking for ways to cut costs.

Councilman Riley moved the question seconded by Councilman Nagarsheth and carried. One opposition made by Councilman Perkins.

The main motion carried. Four oppositions made by Councilman Chianese, Councilman Visconti, Councilman Saadi and Councilman Levy.

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

A motion was made by Councilwoman Teicholz and seconded by Councilman Seabury to waive the reading of the reports as the Council have copies of the Reports and are available in the City Clerk's office. The motion carried unanimously.

Chief Alan D. Baker presented to address the Police Report.

Councilman Levy reviewed some questions posed by constituents with regard to the blueprints for the new Police Department building. Of concern was an office for the Department of Homeland Security. It was thought that it was a federal agency office. Chief Baker explained that the labels on the blueprints were placed approximately two years ago and the plans have evolved since. The office space is for Danbury's Office of Homeland Security. Another concern was the increase in the number of jail cells. Chief Baker assured everyone that it was not due to an increase in crime, merely for safety reasons as presently there are six jail cells (3 adult male cells, 2 adult female cells and 1 juvenile cell) which are shared by all the individuals in custody at any given point in time. The new building has 26 jail cells (14 adult male cells, 8 adult female cells, 3 juvenile cells and 1 handicapped cell). The increase in jail cells corrects a long-standing deficiency in the system.

Mark P. Hasskarl, Library Director, presented to address the Library Report.

Councilman Rotello asked Mr. Hasskarl to explain the Library's decision to change its days/hours of operation. Mr. Hasskarl explained that the Library would be closed on Fridays (open six days a week as opposed to seven). This change begins September 19th. Monday through Thursday, the Library is open until 8 p.m.

A motion was made by Councilwoman Teicholz and seconded by Councilman Seabury to receive the communication and accept the Department Reports as presented. The motion carried unanimously.

21. COMMUNICATION—Donation ~ DHS Path to Fields for ADA:

A motion was made by Councilwoman Teicholz and seconded by Councilman Seabury to add Item No. 21 to the Agenda. The motion carried unanimously.

City Clerk Natale read the letter dated September 2, 2008 from Bill and Colleen Stanley, American Pavement Specialists, LLC, to the Members of the Common Council.

Councilwoman Stanley recused herself from the discussion and action on this Item.

A motion was made by Councilman Seabury and seconded by Councilman Johnson to receive the communication, accept the donation from Bill and Colleen Stanley, American Pavement Specialists, LLC, in the amount of \$6,000.00 (trucking, equipment and labor) and send the appropriate letter of thanks. The motion carried.

Councilman Cavo extended all committees.

There being no further business to come before the Common Council, a motion was made by Councilman Seabury and seconded by Councilman Johnson that the Common Council Meeting be adjourned. The motion carried unanimously at 9:26 p.m.

Respectfully submitted,

Amy Holding

Recording Secretary

Attest,
Joseph M. Cavo, President
standing in for Mark D. Boughton, Mayor