

Honorable Mark D. Boughton, Mayor
City Council Members

Mayor Mark D. Boughton called the Council Meeting to order at 7:30PM on Tuesday, January 5, 2010.

Present were Council members: Philip Colla, Shay Nagarsheth, Michael Halas (*entered as indicated below*), Charles, Trombetta, Joseph Cavo, Jack Knapp, Duane E. Perkins, Fred Visconti, Benjamin Chianese, Peter Nero, Thomas J. Saadi, Paul T. Rotello, Mary Teicholz, Sal Tumino, Robert F. Arconti, Philip Curran, Nancy Deep Damici, Robert Riley, Gregg Seabury, Colleen A. Stanley, Don Taylor.

PRESENT: 20 ABSENT: (Michael Halas entered as indicated below)

Jean Natale, City Clerk; Robert J. Yamin, Corporation Counsel; Laszlo L. Pinter, Deputy Corporation Counsel; and, David St. Hilaire, Director of Finance were also present.

PLEDGE OF ALLEGIANCE TO THE FLAG & PRAYER: An intern from the Mayor's office, Peter J. Prunty led everyone in the room in the Pledge of Allegiance. Councilman Arconti led everyone in the room in a prayer.

Jean Natale called roll.

PUBLIC PARTICIPATION:

Herb Krate: Spoke in favor of Item #15, Open Space Bond Acquisitions—Ives Trail Easements of Land of the Lake Waubeeka Association, Inc. Urged moving forward with this item to allow the completion of the trail.

Mike Cunningham: Chairman of the Ives Trail Task Force. Spoke in favor of Item #15, Open Space Bond Acquisitions—Ives Trail Easements of Land of the Lake Waubeeka Association, Inc. Urged moving forward with this item. He reviewed a map he distributed to the Council members.

Councilman Halas entered the meeting at 7:39 p.m.

No other member of the public wished to speak, Public Participation was closed.

Mayor Boughton read the announcements for the month of January.

Mayor Boughton recognized the following: The birth of Councilman Seabury's two grandsons, Councilman Seabury's wedding anniversary, Councilwoman Teicholz's wedding anniversary.

MINUTES: Councilman Cavo moved to waive the reading of the minutes of the Council Meeting held on December 1, 2009 as Council members have copies and copies are also available in the City Clerk's Office, seconded by Councilman Perkins. **Motion passed by unanimous vote.**

Councilman Seabury presented the following items for the Consent Calendar:

- 3: Receive the communication and confirm the appointment of Michael Calandrino to serve as a member of the Candlewood Lake Authority.
- 4: Receive the communication and confirm the appointment of Daniel J. Reilly as an Alternate Member of the Environmental Impact Commission.
- 5: Receive the Report of Donations Accepted.

9: Receive the communication and adopt the Resolution authorizing the City of Danbury to acquire the drainage easements as described.

10: Receive the communication and adopt the Resolution authorizing the City of Danbury to acquire the drainage easements as described.

11: Receive the communication and adopt the Resolution authorizing the City of Danbury to acquire the drainage easements as described.

12: Receive the communication and adopt the Resolution authorizing the City of Danbury to acquire the drainage easements as described.

13: Receive the communication and adopt the Resolution authorizing the City of Danbury to acquire the drainage easements as described.

14: Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton or his designee, Scott LeRoy, Director of Health, to engage in such services and measures to most effectively deal with the H1N1 epidemic.

A motion was made by Councilman Cavo and seconded by Councilman Seabury to adopt the Consent Calendar as presented. **Motion passed by unanimous vote.**

1. COMMUNICATION—Amendment—Wireless Edge Lease:

Clerk Natale read the communication. **Councilman Curran asked that this be referred to an Ad Hoc Committee** along with a Corporation Counsel, Director of Planning and Director of Public Works being present. Mayor Boughton so ordered and appointed Council Members Philip Curran, Phillip Colla and Thomas Saadi to the Committee.

2. COMMUNICATION—Amendment to Peddler’s Ordinance/Roger Park Concessions:

Clerk Natale read the communication. **Councilwoman Teicholz asked that this be referred to an Ad Hoc Committee** along with a representative from the Mayor’s Office, Corporation Counsel and the Director of Parks being present. Mayor Boughton so ordered and appointed Council Members Colleen Stanley, Michael Halas and Fred Visconti to the Committee.

3. COMMUNICATION—Appointment—Candlewood Lake Authority:

The communication was received on the consent calendar and approved.

4. COMMUNICATION—Appointment—Alternate, Environmental Impact Commission:

The communication was received on the consent calendar and approved.

5. COMMUNICATION—Donations:

The communication was received on the consent calendar and approved.

6. COMMUNICATION—Donation to the Police Department:

Clerk Natale read the communication. **Councilman Colla moved and Councilman Nagarsheth seconded to receive the communication, accept the donation of \$2,000.00 in memory of Henry J. & Erna D. Leir from the Ridgefield and Leir Foundation** and send the appropriate letter of thanks. **Motion passed by unanimous vote.**

7. COMMUNICATION—Amendment to Section 14-8, Code of Ordinances Pension Contributions:

Clerk Natale read the communication. **Councilman Nagarsheth requested** that this item be deferred to a Public Hearing. Mayor Boughton so ordered.

8. COMMUNICATION—Certification of Funds—Film Festival:

Clerk Natale read the communication. **Councilman Cavo moved to receive the Certification of Funds—Film Festival.**

9. RESOLUTION—Drainage Easement—33 Lincoln Avenue:

The communication was received on the consent calendar and approved.

10. RESOLUTION—Drainage Easement—78 Garfield Avenue:

The communication was received on the consent calendar and approved.

11. RESOLUTION—Drainage Easement—80 Garfield Avenue:

The communication was received on the consent calendar and approved.

12. RESOLUTION—Drainage Easement—4 Ford Lane:

The communication was received on the consent calendar and approved.

13. RESOLUTION—Drainage Easement—5 Clapboard Ridge Road:

The communication was received on the consent calendar and approved.

14. RESOLUTION—Pandemic Flu Vaccination Agreement for Danbury VNA:

The communication was received on the consent calendar and approved.

15. RESOLUTION—Open Space Bond Acquisitions—Ives Trail Easements of Land of the Lake Waubeeka Association, Inc.:

Clerk Natale read the communication. **Councilman Knapp moved to receive the communication and adopt the Resolution**, seconded by Councilman Trombetta. Councilman Chianese questioned what type of authority has been given to the Task Force. Attorney Pinter explained that the Task Force was assigned by the Mayor to facilitate and prepare submissions to the Council for consideration for open space acquisitions as well as for subsequent monitoring of the use of the trails of other sites that the Council approves. Councilman Chianese desired to have a more permanent structure in place for the easements. **Councilman Chianese moved to amend the Resolution**, seconded by Councilman Perkins, specifying the responsibilities of the Ives Trail Task Force as currently contained in the draft easements be assigned instead to City Departments or a duly appointed body that the Mayor shall choose to carry out such responsibilities. Attorney Pinter was not in favor of the amendment and did not recommend charging an entity, including the Task Force, with responsibilities they could not execute. The Task Force is a receiving body of issues that arise. If they find they do not have the capability to resolve an issue informally, they will forward the issue on to an entity or person that could properly handle an issue. The Task Force is a loose organization with authority to cover multiple tasks. But, for purposes of this particular

easement proposal, they are charged with receiving issues and reviewing them. Mayor Boughton interjected pointing out that the Task Force could not be charged with enforcing every issue along the entire 15-mile trail. The trail goes through a variety of private properties and public properties which we do not have authority over. The Lake Waubeeka Association would like some assurance that if the easement were granted, they would receive assistance with certain issues/complaints. Councilman Taylor and Councilman Cavo felt that the Resolution clearly spelled out the Task Force's responsibilities and did not feel the amendment was necessary. **Amendment failed (Yes: 5 Saadi, Visconti, Perkins, Chianese & Rotello, No: 16). Motion passed by unanimous vote.**

16. ORDINANCE—Settlement of Litigation Metcalf & Eddy vs. City of Danbury:

Clerk Natale read the communication. **Councilman Taylor requested that this item be deferred to a Public Hearing.** Mayor Boughton so ordered.

17. REPORT—Sanitary Sewer and Water Extension—Cornell Hills Area Mail Survey:

Clerk Natale read the communication. **Councilman Cavo moved not to proceed with the sanitary sewer and water extension in the Cornell Hills Area,** seconded by Councilman Saadi. Councilman Curran expressed his concern that the City's Engineering Department expends an exorbitant amount of time and resources preparing estimates for residents to acquire sewer and water services and in the end the residents do not follow through because the cost is more than expected. He desired a safeguarding mechanism whereby estimates are given rather than extensive surveys as thousands of dollars of taxpayers' money are being spent. Mayor Boughton pointed out a current proposal whereby residents desiring such services would be required to pay a deposit which would be applied to a project should the project go forward. However, in the event the resident(s) does not go forward with a project, the deposit would be used to pay off outside engineering fees. **Motion passed by unanimous vote.**

18. AD HOC REPORT—Proposal to Renew Parking Leases:

Councilman Knapp read the report. **A motion was made by Councilwoman Stanley and seconded by Councilman Seabury to receive the communication and approve the recommendations of the Committee.** Councilman Saadi asked for clarification of whether the approval consisted of the renewal of two leases or for all three leases which included the reference to additional parking. Mayor Boughton explained the approval was for the renewal of two leases. The third lease was a suggestion regarding additional parking. The proposal would need approval from Zoning and Planning as well as firming up the negotiations of the third lease, followed by the normal process of an Ad Hoc meeting, a Public Hearing and Council approval. Mayor Boughton gave his assurance that the third lease would not be signed without it going through the process of approval. **Motion passed by unanimous vote.**

19. DEPARTMENT REPORTS—Ethics Commission Report, Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT, Elderly Services, Library:

Councilman Cavo moved to waive the reading of the reports, seconded by Councilman Perkins. **Motion passed by unanimous vote.**

Councilman Cavo moved to receive the communication and accept the Department Reports as presented, seconded by Councilman Taylor. **Motion passed by unanimous vote.**

20. EXECUTIVE SESSION—Pending Litigation &

21. COMMUNICATION—Catholic War Veterans—Erection of a Monument at Rogers Park:

Councilman Cavo moved to table Item #20 and add to the Agenda Item #21, seconded by Councilman Saadi. **Motion passed by unanimous vote.**

Clerk Natale read the communication. **Councilman Seabury asked that this be referred to an Ad Hoc Committee** along with a the Director of Public Works, the Mayor's Office and Corporation Counsel being present. Mayor Boughton so ordered and appointed Council Members Robert Riley, Donald Taylor and Benjamin Chianese to the Committee.

Councilman Cavo moved to remove from the table Item #20, seconded by Councilman Taylor. **Motion passed by unanimous vote.**

Councilman Cavo moved to enter into Executive Session at 9:00 PM, seconded by Councilman Saadi. **Motion passed by unanimous vote.**

Let the record reflect that Councilman Nagarsheth was not present during and did not participate in the Executive Session.

The Council came out of Executive Session at 10:35 PM.

Councilman Cavo moved to not settle the Opti Site Cell Tower lawsuit and authorize Corporation Counsel to proceed with the appeal, seconded by Councilman Rotello. **Motion failed (Yes: 5 Arconti, Curran, Cavo, Knapp & Rotello, No: 16).**

Councilman Visconti moved to settle the Opti Site Cell Tower lawsuit in accordance with the discussion during Executive Session inclusive of a clause whereby Corporation Counsel is further authorized to make minor adjustments as may be necessary to finalize the proposed settlement, seconded by Councilwoman Teicholz. **Motion passed (No: Arconti, Curran, Cavo, Knapp & Rotello, Abstain: Nagarsheth).**

Councilman Saadi moved to approve the proposed terms of the seven specific tax appeals as outlined by Corporation Counsel in Executive Session. Further, to authorize Corporation Counsel to resolve the remaining currently pending tax assessment appeals through litigation or negotiation as outlined by Corporation Counsel in Executive Session, seconded by Councilman Visconti. **Motion passed by unanimous vote.**

Mayor Boughton extended all committees.

As there was no further business to come before the City Council, **a motion was made by Councilman Saadi and seconded by Councilman Visconti** that the City Council Meeting be adjourned. The motion carried unanimously at 10:40 p.m. **Motion passed by unanimous vote.**

Respectfully submitted,

Amy Holding
Recording Secretary

Attest,
Mark D. Boughton, Mayor