

CITY COUNCIL MEETING

May 1, 2012

Mayor Mark D. Boughton called the City Council Meeting to order at 7:30pm on Tuesday, May 1, 2012 in the Council Chambers at City Hall.

Present were Council Members: Philip Curran, Michael Haddad, Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Phil Colla, Michael Halas, Shay Nagarsheth, Stephen Darcy, Joseph Cavo, Thomas Saadi, Fred Visconti, Andrew Wetmore, Peter Nero, Duane Perkins, Benjamin Chianese, Paul Rotello, Joe Scozzafava, Mary Teicholz

PRESENT: 20 ABSENT : 1
Council Member Taylor was absent

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:

Scott Ferguson, Tax Collector, led everyone in the Pledge of Allegiance. Council Member Curran led everyone in the room in a prayer.

PUBLIC SPEAKING

Cindy McFadden, 10 Pleasant Street, spoke on neighborhood issue.

Charles O'Boyle, 16 Lower Lake Road, spoke on item 12.

Nicholas Marino, 13 Pleasant Street, spoke on a neighborhood issue.

Ken Gucker, 89 Padanaram Road, spoke on items 12, 13 and 14.

James Maloney, 15 Wooster Heights, spoke on item 12.

Public speaking ended at 7:57pm.

Mayor Boughton read the announcements for the month.

Council Member Halas was presented with a Proclamation in recognition of the Halas Family's commitment to the Juvenile Diabetes Research Foundation. Mayor Boughton thanked the Halas family for their efforts.

MINUTES - Minutes of the Council Meeting held on April 3, 2012

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 Nagarsheth. ***Motion passed by unanimous vote.***

Council Member Seabury read the Consent Calendar.

1 - Receive the Communication and confirm the appointment of Michael Esposito (R) as a Member of the Environmental Impact Commission with a term to expire December 1, 2015.

2 – Receive the Communication and confirm the appointment of Edward Moore Jr. (D) as a member of the Conservation Commission with a term to expire July 1, 2015.

5 – Receive the Communication and approve the Disposal of Surplus Vehicles and Miscellaneous Equipment pursuant to the requirements set forth by Section 2-153 of the Code of Ordinances.

9 – Receive the Communication and adopt the Resolution that will allow the City of Danbury Health Department to apply for and accept funding from the State of Connecticut Department of Public Health for the "Preventative Health and Human Services Block Grant".

10 – Receive the Report of the City Engineer and take no action on the Sanitary Sewer Extension at Ryders Lane and Southern Blvd. area Project No. 05-14.

11 – Receive the Communication and adopt the Resolution authorizing the listed agencies to apply for and accept funding in the form of tax credits from the State of Connecticut through the Neighborhood Assistance Act.

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

1 - COMMUNICATION - Appointment to the Environmental Impact Commission
The communication was received on the Consent Calendar and the appointment of Michael Esposito confirmed.

2 - COMMUNICATION - Appointment to the Conservation Commission
The communication was received on the Consent Calendar and the appointment of Edward Moore, Jr. confirmed.

3 - COMMUNICATION - Amendment to Code of Ordinances, Section 6-1(a) Withholding Approvals/Delinquency

Jean Natale, Legislative Assistant, read the communication. Council member Cavo moved to refer to a Public Hearing, seconded by Council Member Saadi. Motion passed by unanimous vote.

4 - COMMUNICATION - Investment Policy Statement
Council Member Stanley requested referral to an Ad Hoc with Corporation Counsel and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Levy, Knapp and Chianese to the committee.

5 - COMMUNICATION - Disposal of Surplus Vehicles & Miscellaneous Equipment
The communication was received on the Consent Calendar and the request approved.

6 – COMMUNICATION - Application for Deferral of Assessment Increase Belimo Air Controls, Inc.

Council Member Nagarsheth requested referral to an Ad Hoc with Corporation Counsel, Director of Planning, a representative from the Office of the Mayor, Economic Development and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Cavo, Darcy and Visconti to the committee.

7 – RESOLUTION - Hearthstone Castle - Grant Application to the CT Trust for Historic Preservation

Jean Natale, Legislative Assistant read the communication. **Council Member Colla moved to accept and adopt the Resolution** authorizing Mayor Boughton to apply for a grant from the CT Trust for Historic Preservation, seconded by Council Member Perkins. Dennis Elpern, Director of Planning explained that the first phase of the study would provide estimates and information to prevent further deterioration and make the castle safe. Mayor Boughton stated that the purpose of the study would be to develop a strategic plan for the castle. The study would determine how the castle could be utilized, restoration cost estimates and a needs assessment. ***Motion passed by unanimous vote.***

8 - RESOLUTION - FEMA Fire Prevention and Safety Grant

Jean Natale, Legislative Assistant, read the communication. **Council Member Wetmore moved to adopt the Resolution** to allow the City of Danbury Fire Department to apply for and accept funding from the Federal Emergency Management Agency through its Fire Prevention and Safety grant program, seconded by Council Member Visconti. ***Motion passed by unanimous vote.***

9 - RESOLUTION - Preventative Health Grant

The communication and Resolution were received on the Consent Calendar and the Resolution adopted.

10 - REPORT - Sanitary Sewer Extension - Ryders Lane and Southern Blvd

The report was received on the Consent Calendar with no action taken.

11 - REPORT - Neighborhood Assistance Act

The report was received on the Consent Calendar and the Resolution adopted.

12 - ORDINANCE & RESOLUTION - An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2012 and ending June 30, 2013 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2012 and ending June 30, 2013

Council Member Cavo moved to waive the reading of the Budget Reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

A. General Government 1 Budget Report

Council Member Cavo moved to receive the General Government 1 Budget Report and adopt the recommendations of the committee, seconded by Council Member Nagarsheth. Voting in favor were Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Chianese, Scozzafava and Teicholz. Council Members Saadi, Nero, Perkins and Rotello voted in the negative. ***Motion passed 16/4.***

B. General Government II Budget Report

Council Member Cavo moved to receive the General Government II Budget Report and adopt the recommendations of the committee, seconded by Council Member Teicholz. Voting in favor were Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Chianese, Scozzafava and Teicholz. Council Members Saadi, Nero, Perkins and Rotello voted in the negative. ***Motion passed 16/4.***

C. Education Budget Report

Council Member Seabury moved to receive the Education Budget Report and adopt the recommendations of the committee, seconded by Council Member Stanley. Discussion followed regarding the ECS Grant. David St. Hilaire, Director of Finance, reiterated that should the grant funds fall short, there is a plan to make up the difference. Voting in favor were Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Chianese, Scozzafava and Teicholz. Council Members Saadi, Nero, Perkins and Rotello voted in the negative. ***Motion passed 16/4.***

D. Public Works Budget Report

Council Member Curran moved to receive the Public Works Budget Report and adopt the recommendations of the committee, seconded by Council Member Nagarsheth. Motion passed by unanimous vote.

E. Health & Housing, Public Safety, Welfare & Social Services Budget Report

Council Member Knapp moved to receive the Health & Housing, Public Safety, Welfare & Social Services Budget Report, seconded by Council Member Rotello. ***Motion passed by unanimous vote.***

Council Member Cavo moved that the City Council adopt the Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013 along with the Resolution that sets the mill rate for that time period of 22.45 mills, seconded by Council Member Seabury. Discussion followed regarding personnel salary savings offsets, contingency and salary increases.

Council Member Saadi moved to defund non-union raises with the exception of changes in classification or mid-year hires, seconded by Council Member Nero. Council Members Levy and Cavo spoke in opposition to the motion. Council Member Curran recused himself from discussion and voting. Mayor Boughton passed the gavel to Council President Cavo. Mayor Boughton stated that the Council unanimously approved three (3) other contracts containing increases and took no action on another contract. The non-union managers who had not had an increase in four (4) years, searched out cost savings to fund their salary increases. The gavel was passed back to the Mayor.

Council Member Seabury moved the question, seconded by Council Member Nagarsheth. Council Members Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Scozzafava and Teicholz voted in favor. Council Members Saadi, Nero, Perkins, Rotello and Chianese voted in opposition. ***Motion passed 14/5.***

The vote on the motion to defund was as follows: voting in favor of were Council Members Saadi, Rotello, Perkins, Chianese, Nero and Visconti. Voting in the negative were Council Members Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Darcy, Wetmore, Scozzafava and Teicholz. ***Motion failed 6/13.***

Council Member Curran returned to the dais.

Council Member Levy moved the question on the motion, seconded by Council Member Nagarsheth. Voting in favor were Council Members Haddad, Knapp, Levy, Seabury, Colla, Nagarsheth, Halas, Cavo, Wetmore and Darcy, Visconti. Council Members Saadi, Teicholz, Scozzafava, Rotello, Nero, Curran, Perkins, Chianese and Stanley voted in the negative. ***Motion passed 11/9.***

The vote on the main motion to adopt the Ordinance making appropriations for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and the Resolution levying the property tax for fiscal year beginning July 1, 2012 and ending June 30, 2013 was as follows: voting in favor were Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Scozzafava and Teicholz. Council Members Saadi, Rotello, Perkins, Nero and Chianese voted in the negative. ***Motion passed 15/5.***

13 - ORDINANCE - An Ordinance Appropriating \$3,000,000 for Public Improvements in The 2012-2013 Capital Budget and Authorizing the Issuance of \$3,000,000 Bonds of the City to Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose

Council Member Knapp moved to receive and approve the Ordinance Appropriating \$3,000,000 for Public Improvement Projects in the 2012-2013 Capital Budget and Authorizing the Issuance of \$3,000,000 Bonds of the City to Meet Said Appropriations and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose, seconded by Council Member Nagarsheth.

Council Member Chianese moved to divide the question, seconded by Council Member Perkins. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Visconti, Darcy, Wetmore, Nero, Scozzafava and Teicholz voted in the negative. Council Members Saadi, Chianese, Perkins and Rotello voted in favor. ***Motion failed 16/4.***

The Mayor called for a recess at 9:08pm. The meeting resumed session at 9:10pm.

Atty. Pinter advised that since the body voted, at that time they decided whether division would be in order

Discussion followed regarding bond funding of equipment. David St. Hilaire explained that funding cannot exceed the expected life of the equipment or any other item funded. ***The main motion passed by unanimous vote.***

14 - ORDINANCE - Sewer Rates as of July 1, 2012

Council Member Stanley moved to receive and adopt amendments to Section 16-4 and 16-32, seconded by Council Member Seabury. Discussion followed regarding minimum use charges. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Saadi, Visconti, Darcy, Wetmore, Nero, Chianese, Rotello and Teicholz voted in favor. Council Member Perkins voted in the negative. Council Member Scozzafava abstained. ***Motion passed 18/1.***

15 - ORDINANCE - Water Rates as of July 1, 2012

Council Member Seabury moved to accept the communication the Ordinance establishing the quarterly rates for the use of non-metered water, which rates will be in effect for all bills rendered on or after July 1, 2012 at \$279.22 per unit, seconded by Council Member Nagarsheth. Council Member Seabury clarified the motion that Sections 21-42 thru 21.49 were all relating to water rates. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Saadi, Visconti, Darcy, Wetmore, Nero, Chianese, Rotello and Teicholz voted in favor. Council Member Perkins voted in the negative. Council Member Scozzafava abstained. ***Motion passed 18/1.***

16 - DEPARTMENT REPORTS - Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT Elderly, Library

Council Member Cavo moved to waive the reading of the Department Reports as all members have copies and additional copies are on file in the Office of the Legislative

Assistant, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

Sean Stillman, UNIT Coordinator, spoke on the activity issue on Pleasant Street and advised that it would be monitored.

Council Member Seabury thanked the Building Department staff for their assistance with a neighborhood problem.

Council Member Cavo thanked the Council Members, David St. Hilaire and the Finance Department staff for their work on the annual budget.

Council Member Cavo moved to add item #17 Appointment of Independent Auditors and item #18 Acquisition of Sale of Real Property -13 Acres, seconded by Council Member Saadi. ***Motion passed by unanimous vote.***

17- Appointment of Independent Auditors

Jean Natale, Legislative Assistant, read the communication. **Council Member Levy moved to receive the communication and take the option of renewal as outlined in the communication**, seconded by Council Member Curran. ***Motion passed by unanimous vote.***

18- Acquisition of Sale of Real Property – 13 Acres

Executive Session- Mayor Boughton invited Charles Volpe, Purchasing Agent; Bruce Tuomala, Economic Development; David St. Hilaire, Director of Finance; Scott Ferguson, Tax Collector and Wayne Shepperd, Chief of Staff, into the executive session for the purpose of discussing the sale of 13 acres. The Council went into executive session at 9:31pm. **Council Member Cavo moved to come out of executive session at 10:38pm**, seconded by Council Member Nagarsheth. ***Motion passed by unanimous vote.***

Council Member Cavo moved, based on discussion in executive session, to receive and review responses for request for proposals (RFP) for the sale of 13 acres of City land on Old Ridgebury Road and award the contract to the most qualified bidder, Matrix Realty, as authorized by section 3-17 of the Charter of the City of Danbury in accordance to the RFP conditions as set forth, subject to contract negotiations as discussed during executive session. seconded by Council Member Nagarsheth. Discussion followed. Council Member Saadi stated, for the record, that the Council reviewed and discussed all three (3) bids and the intent is consistent that this be a commercial development going forward. Council Members Perkins and Rotello spoke in opposition to the motion. Council Members Curran, Haddad, Knapp, Levy, Seabury, Stanley, Colla, Nagarsheth, Halas, Cavo, Saadi, Visconti, Darcy, Wetmore, Nero, Chianese, Scozzafava and Teicholz voted in favor. Council Members Perkins and Rotello voted in opposition. ***Motion passed 18/2.***

Mayor Boughton extended all committees.

There being no further business to come before the Council a motion was made at 10:45pm by Council Member Seabury, seconded by Council Member Wetmore to adjourn. ***Motion passed by unanimous vote.***

Respectfully submitted,

Doratheia A. Gulya-Stasny
Recording Secretary

Attest: Mark D. Boughton,
Mayor