

# **CITY COUNCIL MEETING**

## **May 07, 2013**

Honorable Mayor, Mark D. Boughton, called the meeting to order at 7:39pm in the Council Chambers.

### **PLEDGE OF ALLEGIANCE & PRAYER**

Dianna Benz lead all in the Pledge of Allegiance and Councilman Curran lead all in prayer.

### **ROLL CALL**

**COUNCIL MEMBERS PRESENT:** Philip Curran, Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Donald Taylor, Colleen Stanley, Phillip Colla, Shay Nagarsheth, Joseph Cavo, Andrew Wetmore, Elmer Palma, Fred Visconti, Duane Perkins, Peter Nero, Benjamin Chianese, Paul Rotello, Joseph Scozzafava, and Mary Teicholz.

**COUNCIL MEMBERS ABSENT:** Mike Halas and Thomas Saadi.

Councilman Saadi was absent due to military duty and Councilman Halas was at a family function.

**ALSO PRESENT:** Jean Natale, Legislative Assistant; Robert Yamin, Corporation Council; Les Pinter, Deputy Corporation Council; and David St. Hilaire, Director of Finance.

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At the beginning of the meeting, Mayor Boughton gave awards to students for the 2013 Housatonic Valley Recycling Contest winners.

### **PUBLIC SPEAKING**

1. Sandy Steichen, 3C East Lake Road, Chair Board of Education, spoke against reductions to the Education Budget.
2. Ralph Pietrafesa, 36 Hawley Road Ext., spoke against reductions to the Education Budget.
3. Margaret Mitchell, Main Street and Park, spoke in favor of the Education Committees budget recommendations.
4. Jim Maloney, 15 Wooster Heights Road, spoke in favor of the Mayor's original budget proposal for the Board of Education.

## **MINUTES - Minutes of the Council Meeting held April 4, 2013**

**A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to waive the reading of the minutes of the previous meeting as all members have copies and additional copies are on file in the Office of the Legislative Assistant.**

***The motion carried unanimously.***

The minutes were approved as presented.

### **CONSENT CALENDAR**

Councilman Seabury read the consent calendar for the following agenda items.

2 - Receive the Communication and approve the appointment of Anne M. Dance as an alternate member of the Commission on Persons with Disabilities with a term to expire March 1, 2016.

3 - Receive the Communication and approve the appointment of Estella Camacho as a member of the Parks & Recreation Commission with a term to expire July 1, 2016.

4 - Receive the Communication and approve the appointment of the firm of McGladrey and Pullen as the Independent Auditors for fiscal year ending June 30, 2013.

5 - Receive the Communication and approve the appointment of Gary Cancro as an alternate member of the Zoning Commission.

8 - Receive the Communication and authorize the Director of Health, Scott Leroy to apply for and accept funding from the Department of Social Services not to exceed \$125,000.00 for the City of Danbury Emergency Shelter. This funding is for the period from July 1, 2013 to June 30, 2014. No matching funds are required.

10 - Receive the Communication and authorize the appropriation of \$25,965.00 from the Farioly Fund as requested by the Library Director Michelle Capozella and approved by the Library Board for the purchase of network infrastructure upgrades. (Removed upon request of Councilman Perkins.)

12 - Receive the Communication and approve the list of names and amounts to be transferred to the Suspense List as requested by the City's Tax Collector, Scott Ferguson. This list totals \$385,696.12 The 2003 Motor Vehicle list amount is \$326,188.67 and the 2003 Personal Property list is \$59,507.45. The City has engaged an outside agency in an attempt to recover these outstanding Motor Vehicle Taxes.

13 - Receive the Communication and Adopt the Resolution to renew the City Councils previous approval which authorized the acquisition of property interests as described by the Office of the Corporation Counsel.

15 - Receive the Communication and Adopt the Resolution authorizing Mayor Mark D. Boughton or his designee, Paul D. Estefan Director of Emergency Management, to execute and deliver any and all documents on behalf of the City of Danbury for the use of Federal Fiscal Year 2011 Homeland Security Grant Funding and Custodial Ownership of Regional Assets in DEMHS Region 5.

18 - Receive the Communication and Adopt the Resolution allowing the City of Danbury Health, Housing and Welfare Department to accept an additional \$2,481.00 in COLA funding from the State of Connecticut Department of Public Health. The existing three year contract will expire on June 30, 2013 and the overall grant award will now total \$1,493,382.00.

19 - Receive the Communication and Adopt the Resolution allowing the City of Danbury Fire Department to apply for and accept funding from Spectra Energy. This funding, not to exceed \$500.00 will be used to purchase fire education materials. No local match is required.

20 - Receive the Communication and Adopt the Resolution authorizing Mayor Mark D Boughton, to apply for and accept funding from the Northwest Regional Workforce Investment Board for the 2013 Mayor's Summer Youth Employment Program. Funding for the program from NRWIB will total \$87,104.80.

21 - Receive the reports from the Planning Commission and City Engineer and approve the request for Sewer Extension - 1 & 3 Scuppo Road lots #F14073 & #F14124 subject to submission and acceptance of all plans and documents as required by the Engineering Department and the Office of Corporation Counsel.

22 - Receive the reports from the Planning Commission and City Engineer and approve the request for Sewer Extension - 39 Hospital Avenue & 3 Forest Avenue lots #J12009 & #J12011 subject to submission and acceptance of all plans and documents as required by the Engineering Department and the Office of Corporation Counsel.

23 - Receive the reports from the Planning Commission and City Engineer and approve the request for Water Extension - Belimo Air Controls, 33 Turner Rd lot # A17001 subject to submission and acceptance of all plans and documents as required by the Engineering Department and the Office of Corporation Counsel.

24 - Receive the Report of the Committee of the Whole and adopt the Resolution authorizing listed agencies to participate, apply for and accept funding in the form of tax credits from the State of Connecticut Neighborhood Assistance Act of 2013.

25 - Receive the Report of the Committee of the Whole and adopt the Ordinances for the re-establishment of the Stanley Lasker Richter Memorial Park Authority, the Conservation Commission, the Environmental Impact Commission, the Danbury Museum and Historical Society, and the Danbury Main Street Partnership for five years through June 30, 2018. And re-establish the Danbury Youth Commission for a period of 2 years through June 30, 2015.

26 - Receive the Report of the Committee of the Whole and adopt the amendments to the Danbury Code of Ordinances, Section 2-4.2 and 2-4.3, to provide technical adjustments to the voting precincts and voting wards descriptions as set forth in the 2012 reapportionment plan.

Councilman Perkins asked that Item #10 be removed from the consent calendar.

***A motion was made by Jack Knapp and seconded by Michael Haddad Sr. to accept the consent calendar as amended. The motion carried unanimously.***

**(1) COMMUNICATION - Appointment to the Police Department**

***A motion was made by Joseph Cavo and seconded by Donald Taylor moved to confirm the appointment of Mr. Travis Weber to the Danbury Police Department. The motion carried unanimously.***

**(2) COMMUNICATION - Appointment to the Commission with Disabilities**

The communication was received on the Consent Calendar and approved.

**(3) COMMUNICATION - Appointment to the Parks and Recreation Commission**

The communication was received on the Consent Calendar and approved.

**(4) COMMUNICATION - Appointment of Independent Auditors**

The communication was received on the Consent Calendar and approved.

**(5) COMMUNICATION - Appointment as Zoning Commission Alternate**

The communication was received on the Consent Calendar and approved.

**(6) COMMUNICATION - Donation - Parks and Recreation Department**  
**A motion was made by Colleen Stanley and seconded by Shay Nagarsheth to receive the communication and accept the donation from Danbury Youth Baseball to purchase and install a new batting cage and send a letter of thanks.**  
**The motion carried unanimously.**

**(7) COMMUNICATION - Donation - Health and Human Service Department - Lake Kenosia**  
**A motion was made by Andrew Wetmore to accept the Communication and accept the generous donation and send an appropriate letter of thanks.**  
**The motion carried unanimously.**

**(8) COMMUNICATION - Application to DSS**  
The communication was received on the Consent Calendar and approved.

**(9) COMMUNICATION - Certification of Funds - Debris Removal**  
**A motion was made by Shay Nagarsheth and seconded by Gregg Seabury to receive the communication and approve the allocation of funds for the Hurricane Sandy clean up. The motion carried unanimously.**

Councilman Chianese asked for a clarification on total costs and the estimated reimbursement amounts from FEMA. Mr. St. Hilaire clarified the amounts.

**(10) COMMUNICATION - Certification of Funds - Farioly Fund**  
Councilman Perkins asked for clarification regarding the Farioly Fund balance and the nature of the expenditure. Library Director, Michele Capozella, and Mayor Boughton clarified the purpose of the Farioly Fund, the Fund value, expenditures made and the nature of the proposed expenditure.

**A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to receive the communication and authorize the transfer of \$25,965 from the Farioly Fund as requested by the Library**

**Director and authorized by the Library Board of Directors for the purposes of infrastructure improvements to the Library as requested.**

***The motion carried unanimously.***

**(11) COMMUNICATION - Certification of Funds - BOE Technology Reserve**

**A motion was made by Elmer Palma and seconded by Shay Nagarsheth to receive the communication and approve the transfer of \$357,000 for Technology Improvements as requested by Joseph Martino, Director Finance, Board of Education.**

***The motion carried unanimously.***

A brief discussion clarifying the use of the funding, the enhancements to the system, the existing equipment and warranties ensued. Mr. Martino clarified that these funds were set aside from previously allocated funds as the new products could not be installed previously and creates synchronization between the schools and the city which will help with efficiency and back up.

**(12) COMMUNICATION - Annual Suspense List**

The communication was received on the Consent Calendar and approved.

**(13) - RESOLUTION - Renewal of Resolution - Long Ridge Road**

The resolution was received on the Consent Calendar and approved.

**(14) - RESOLUTION - C-PACE Funding for City Property Owners**

**A motion was made by Phillip Colla and seconded by Shay Nagarsheth to receive and adopt the resolution authorizing Mayor Boughton to execute and deliver the C-PACE agreement.**

***The motion carried unanimously.***

**(15) - RESOLUTION - State Homeland Security Grant**

The resolution was received on the Consent Calendar and approved.

**(16) - RESOLUTION - DOT Grant - Police Department**

**A motion was made by Donald Taylor and seconded by Joseph Cavo to adopt the resolution and authorize the Mayor and/or the Chief of Police to apply for and accept funding from the State DOT in the amount of \$11,250 with a City match of \$3750.**

***The motion carried unanimously.***

**(17) - RESOLUTION - Cops Hiring Grant - Police Department**

**A motion was made by Mary Teicholz and seconded by Colleen Stanley to adopt the resolution and authorize the Mayor and/or the Chief of Police, Baker, to apply for and accept funds from US Department of Justice, COPS Hiring Program, and authorize Mayor Boughton to sign agreements or documents in connection with the grant.**

***The motion carried unanimously.***

**(18) - RESOLUTION - SBCH Additional Funding**

The resolution was received on the Consent Calendar and approved.

**(19) - RESOLUTION - Spectra Energy Grant - Fire Department**

The resolution was received on the Consent Calendar and approved.

**(20) - RESOLUTION - Summer Youth Employment Program**

The resolution was received on the Consent Calendar and approved.

**(21) - REPORTS - Sewer Extension - 1 & 3 Scuppo Road**

The report was received on the Consent Calendar and approved.

**(22) - REPORTS - Sewer Extension - 39 Hospital Avenue & 3 Forest Avenue**

The report was received on the Consent Calendar and approved.

**(23) - REPORTS - Water Extension - Belimo Air - 33 Turner Road**

The report was received on the Consent Calendar and approved.

**(24) - REPORT and RESOLUTION - 2013 Neighborhood Assistance Act**

The report and resolution were received on the Consent Calendar and approved.

**(25) - REPORT & ORDINANCE - Governmental Entities, Code of Ordinance, Section 2-176**

The report and ordinance were received on the Consent Calendar and approved.

**(26) - REPORT & ORDINANCE - Reapportionment Ordinance, Sections 2-4.2 and 2-4.3**

The report and ordinance were received on the Consent Calendar and approved.

**(27) - REPORT - ORDINANCE & RESOLUTION - An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2013 and ending June 30, 2014 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014**

**A motion was made by Joseph Cavo and seconded by Gregg Seabury to receive the report and adopt the ordinances and resolutions for the Fiscal Year Beginning July 1, 2013 and ending June 30, 2014 and setting the mill rate as required including small salary adjustments in Government I & II included in the report.**

***The vote was taken after the reports.***

**A motion was made by Joseph Cavo and seconded by Gregg Seabury to waive the reading of reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant.**

***The motion carried unanimously.***

**General Government 1 Budget Report**

There was no objection to waiving the reading of the report.

**A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to receive the report and adopt the recommendations therein made by the committee.**

***The motion carried unanimously.***

## **General Government II Budget Report**

There was no objection to waiving the reading of the report.

***A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to receive the General Government II report adopt the recommendations. The motion carried unanimously.***

## **Education Budget Report**

There was no objection to waiving the reading of the report.

***A motion was made by Gregg Seabury and seconded by Shay Nagarsheth to receive the report and adopt the recommendations as presented.***

Councilman Knapp asked for clarification on the voting process should the motion fail. Mr. Pinter explained that if the motion fails the recommendations from the committee will be rejected and the Mayor's budget will be accepted under the original budget motion. Council members Knapp, Curran, Scozzafava, and Visconti spoke against the motion reluctantly due to accounting presentation of the BOE. Each expressed concern for the increases without justification.

Councilman Haddad spoke in favor of the motion as many of the questions asked by the Committee were not answered; the Committee needs to be able to determine what was spent and where.

Councilman Wetmore asked if a dollar amount reduction had ever been made to the BOE budget. Mr. St. Hilaire stated that one year it remained the same and there have been no large increases in six years. Mr. Wetmore state that he will not support the motion but he expects to be able to see where every dime is going.

Councilman Perkins spoke against the motion, but asked the BOE to come back and make a case based on outcomes. Councilman Rotello spoke against the motion stating that inflation and the number of students requires more funding than the committee recommended.

Councilwoman Stanley spoke in favor of the motion for the following reasons goals are not being met, lack of preparation for the budget committee, and the committee recommendation is an increase of 1.2 million. These issues have been occurring for many years and the BOE has not made an attempt to fix them.

Councilman Levy spoke in support of the motion as the BOE was not prepared to present the justification of the requested increases and thanked the committee for the thorough and conscientious job done.

Councilwoman Teicholz spoke against the motion. Councilman Nero spoke against the motion, but stated that he believes that Councilwoman Stanley is correct in her concerns and expects these issues to be addressed.

Mayor Boughton stated that many of Councilwoman Stanley's concerns are on point. Additionally he is concerned about the amount that is being paid in education. Further discussion ensued about the budget process and the accounting requirements.

Councilman Seabury spoke in favor of the motion. He stated that the committee has every intention of maintaining strong, safe schools. However, the inaccuracies and lack of information is real and needs to be addressed. Councilman Taylor spoke in favor of the motion.

Councilman Chianese spoke against the motion and believes the funding is low when considering the ranking of spending with other municipalities. Councilman Chianese asked for the amount that would account for the raises of non-union employees. Mr. Martino asked for a moment to calculate that amount.

President Cavo stated that he would like see better communication between the BOE senior staff and the Council. He stated that he would not support the motion based school safety, loss of funds for private school transportation, and uncertainty of State funding. Mayor Boughton stated that spending ranking is a poor way to look at school performance. He stated that the State funding is not done fairly. President Cavo asked for a Roll Call vote.

**The motion failed by the following roll call vote:**

***AYES: Michael Haddad Sr., Warren Levy, Gregg Seabury, Donald Taylor, Colleen Stanley, and Phillip Colla. (6)***

***NAYS: Philip Curran, Jack Knapp, Shay Nagarsheth, Joseph Cavo, Andrew Wetmore, Elmer Palma, Fred Visconti, Duane Perkins, Peter Nero, Benjamin Chianese, Paul Rotello, Joseph Scozzafava, and Mary Teicholz. (13)***

***A motion was made by Peter Nero and seconded by Benjamin Chianese to reduce the BOE line item by \$100,000. Councilman Chianese offered a friendly amendment to move the \$100,000 to the Technology Reserve fund. Councilman Nero accepted the amendment which was again seconded by Councilman Chianese.***

Councilman Wetmore asked Mr. Martino for the exact dollar amount of the raises. Mr. Martino stated that it was about \$90,000 for approximately 40 employees. Councilman Wetmore expressed is dissatisfaction with the

lack of accuracy. Further discussion ensued about raises and performance, as well as BOE's ability to move money to different line items.

***The motion failed by the following roll call vote:***

***AYES: Donald Taylor, Andrew Wetmore, Duane Perkins, Peter Nero, and Benjamin Chianese. (5)***

***NAYS: Philip Curran, Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Phillip Colla, Shay Nagarsheth, Joseph Cavo, Fred Visconti Elmer Palma, Paul Rotello, Joseph Scozzafava, and Mary Teicholz. (14)***

### **Public Works Budget Report**

***A motion was made by Philip Curran and seconded by Fred Visconti to receive the report and adopt the recommendation made by the committee.***

***The motion carried unanimously.***

### **Health & Housing, Public Safety, Welfare & Social Services Budget Report**

***A motion was made by Jack Knapp to receive the report of Health & Housing, Public Safety, and Welfare & Social Services and adopt the recommendations as presented.***

***The motion carried unanimously.***

***The on motion on Item #27 carried by the following vote:***

***AYES: Philip Curran, Michael Haddad Sr., Jack Knapp, Warren Levy, Gregg Seabury, Donald Taylor, Colleen Stanley, Phillip Colla, Shay Nagarsheth, Joseph Cavo, Andrew Wetmore, Elmer Palma, Fred Visconti, Peter Nero, Benjamin Chianese, Joseph Scozzafava, and Mary Teicholz. (17)***

***NAYS: Duane Perkins and Paul Rotello. (2)***

**(28) - REPORT & ORDINANCE - An Ordinance Appropriating \$3,000,000 for Public Improvements in The 2013-2014 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**

**A motion was made by Jack Knapp and seconded by Donald Taylor to receive the report of the Committee of the Whole and adopt the ordinance for \$3,000,000 in Public Improvements and the issuance of \$3,000,000 of bonds of the City to meet such obligations, and make temporary borrowings for such purposes.**

***The motion carried unanimously.***

**(29) REPORT & ORDINANCE - Senior Tax Freeze, Code of Ordinance, Section 18-12.1.1**

**A motion was made by Gregg Seabury and seconded by Colleen Stanley to receive the report of the Committee of the Whole and adopt the reauthorization and approval of Danbury Code of Ordinance, Section 18-12.1.1 establishing the system of tax freeze for Danbury seniors.**

***The motion carried unanimously.***

**(30) - REPORT & ORDINANCE - Retirement Incentive, Code of Ordinance, Section 14-17**

Councilman Scozzafava recused himself from discussion and vote on this item.

**A motion was made by Mary Teicholz and seconded by Colleen Stanley to receive the report and resolution of the Committee of the Whole and adopt of Code of Ordinance, Section 14-17.**

***The motion carried unanimously.***

**(31) - DEPARTMENT REPORTS - Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT. Elderly and Library**

**A motion was made by Joseph Cavo to waive the reading and accept departmental reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant.**  
**The motion carried unanimously.**

Councilman Seabury commended Dan Baroody, Health Dept., for assistance with a recent problem. He was thorough and followed up to make sure it was resolved. President Cavo spoke to the Chief Baker regarding the race which would be closing roads. Councilman Nero commended the Fire Department for swiftness and resources they used with a fire that was in his neighborhood this week.

**(32) Resolution-Establishing the Downtown District Mill Rate**

**A motion was made by President Cavo to remove from the table  
A Resolution to Establish the Downtown District Mill Rate.  
The motion carried unanimously.**

The Resolution to Establish the Downtown District Mill Rate was placed on the agenda as Item #32.

**A motion was made by Joseph Cavo and seconded by Shay Nagarsheth to  
receive the resolution and adopt the mill rate for the downtown tax district.  
The motion carried unanimously.**

As there was no more business before the Council, Councilwoman Stanley made a motion which was seconded by Councilman Knapp to adjourn the meeting. The meeting adjourned at 10:12 pm.

Respectfully submitted,

Shani Burke Specht  
Recording Secretary

Attest,  
Mark D. Boughton, Mayor