

# **CITY COUNCIL**

## **January 07, 2014**

Honorable Mayor, Mark D. Boughton, called the meeting to order at 7:35 pm in the Council Chambers.

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

Mark Langlois led all in the Pledge of Allegiance. Councilman Curran led all in prayer.

### **ROLL CALL**

**COUNCIL MEMBERS PRESENT:** Philip Curran, Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Duane Perkins, Benjamin Chianese, Paul Rotello, Marina Loyola, and Joseph Scozzafava.

**COUNCIL MEMBERS Absent:** Thomas Saadi.

**PRESENT: 20, ABSENT: 1**

Councilman Saadi was absent to due Reserve Duty.

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

### **Public Speaking**

Mark Nolan, Danbury Resident & Member of Friends of Tarrywile Parke spoke in favor of #8. He stated that the Engineering Plans are required to determine if the castle can be saved. He noted the difference between the Engineering Study and Engineering Plans. He reported that a fundraising effort had been initiated. He also spoke in favor of the appointment of James Russell to the position of Fire Marshal and in favor of the tax deferral for Kennedy Place.

### **ANNOUNCEMENTS**

Mayor Boughton read the Announcements for the month of January.

### **MINUTES: Minutes of the Council Meetings held December 2 and 3, 2013**

***A motion was made by Joseph Cavo and seconded by Gregg Seabury to waive the reading of the minutes and accept as all members have copies and additional copies are available in the office of the Legislative Assistant.***

Councilman Perkins corrected the record, stating that his vote on agenda Item #9 was an abstention. Mayor Boughton accepted the correction.

***The motion carried unanimously.***

### **CONSENT CALENDAR**

Councilman Seabury read the Consent Calendar as follows:

3 - Receive the Certification of funds from the Director of Finance and authorize the transfer totaling 19,040.00 to the Town Clerks Office Equipment and Outside Services account for purchases needed to store historic materials and update the land record system.

6 - Receive the Communication and adopt the Resolution authorizing Mayor Mark D. Boughton or his designee, Alan D. Baker, Police Chief, to apply for and accept funding not to exceed \$12,600.00 from the State of Connecticut Office of Policy and Management. This funding is to be used for reimbursement of personnel costs associated with mutual aid provided in response to the Sandy Hook Elementary School incident.

7 - Receive the Communication and adopt the Resolution authorizing Mayor Mark D. Boughton or his designee Paul Estefan, Emergency Management Director, to enter into an Memorandum of Agreement regarding the use of Federal Fiscal Year 2012 State Homeland Security Grant Funding and Custodial Ownership of Regional Assets in DEMHS Region 5.

9 – Receive the Report of the Committee of the Whole and adopt the Amendments as specified by the committee to the Code of Ordinances, Section 18-24 Regulations of Cash Payments.

10 - Receive the Report of the Committee of the Whole and adopt the Amendments as specified by the committee to Code of Ordinances, Section 2-56.2 Danbury Still River Alliance.

Councilman Knapp requested that Item #3 be removed from the Consent Calendar.

**A motion was made by Jack Knapp** and seconded by Duane Perkins **to approve the Consent Calendar as present with the removal of Item #3. The motion carried unanimously.**

#### ADDITION TO THE AGENDA

**A motion was made by Joseph Cavo** and seconded by Paul Rotello **to add item #13--Appointment of the Fire Marshal. The motion carried unanimously.**

**President Cavo made a motion to move Item #13 to the top of the agenda before Item #1.** The motion was seconded by Councilman Rotello. **The motion carried unanimously.**

13. COMMUNICATION: Appointment of Fire Marshal

**A motion was made by Philip Curran** and seconded by Joseph Cavo **to receive the communication and approve the appointment of James**

**Russell to the position of Fire Marshal for the City of Danbury.**  
**The motion carried unanimously.**

1. COMMUNICATION: Danbury Innovation Center License Agreement  
**A motion was made by Irving Fox** and seconded by Duane Perkins **to receive the Communication and approve the Licensing Agreement between Danbury Hacker Space Inc. and the City of Danbury as submitted.**

**Councilman Visconti requested that this item be referred to an Ad Hoc Committee.** Mayor Boughton hearing no objections so order and named Council Members Cavo, Priola, and Visconti.

2. COMMUNICATION: Application for Deferral of Assessment Increases - 20 Kenosia Ave

**Councilman Knapp requested that this item be referred to an Ad hoc committee** consisting of Corporation Counsel, Director of Planning, Director of Economic Development and the Applicant. Mayor Boughton, hearing no objection so ordered the committee consisting of Council Member Cavo as Chair, with Council Members Fox and Visconti.

3. COMMUNICATION: Certification of Funds- Historic Documents Reserve Funds

**Councilman Knapp requested that this item be referred to an Ad hoc Committee** consisting of Director of Finance and the Town Clerk. Mayor Boughton, hearing no objection, so ordered the committee consisting of Council Member Scozzafava as Chair, with Council Members Curran and Chianese.

4. COMMUNICATION: Donation for Homeless Veterans

**A motion was made by Michael Haddad, Sr.** and seconded by Andrew Wetmore **to receive the communication and accept the generous donation of \$1300 from Rubin Contracting Corporation to be used for our homeless Veterans and send appropriate letter of thanks.**  
**The motion carried unanimously.**

5. COMMUNICATION: Donation of 2006 Passenger Van

**A motion was made by Colleen Stanley** and seconded by Joseph Cavo **to receive the communication and accept the donation of a 2006 Ford E350 Super Duty 12 passenger van to be used for the Danbury Explorers Post and send appropriate letter of thanks.** **The motion carried unanimously.**

6. RESOLUTION: State of Connecticut - OPM Funding

The resolution was received on the Consent Calendar and approved.

7. RESOLUTION: Memorandum of Agreement Emergency Management and Homeland Security

The resolution was received on the Consent Calendar and approved.

8. REPORT: Hearthstone Castle: Engineering Study

**A motion was made by Andrew Wetmore** and seconded by Joseph Cavo **to receive the report and adopt the committee's commendations as presented.**

*Councilman Visconti noted for the record that Mr. Wetmore was on the ad-hoc committee and not Mr. Nero*

Councilman Seabury read the report.

A discussion ensued regarding the grant process, the time frame, restrictions and limitation of the property and options for use. Mayor Boughton made the distinction between the study which has been completed and Engineering Plans. He stated that The Engineering Plans must be completed even for demolition. The Plans are what the City Council has to consider this evening.

**A motion was made by Duane Perkins** and seconded by Benjamin Chianese **to amend the motion to allocate an additional \$20,000 should the grant not be awarded to the City to move forward with Plans.**

President Cavo and Council Member Visconti spoke against the amendment. Council Members Stanley and Nero both asked for assurances that the Plans would provide the information necessary to take down the Castle. Council Member Rotello stated it is important to get the Engineering Plans so that decisions can be made by all stakeholders regarding how to proceed, but that adding contingency funds to the motion would be tactically unsound.

**A Motion was made by John Priola** and seconded by Irving Fox to **Move the question on the amendment. The motion carried by the following Vote ( 17 Ayes and 3 Nays ):**

**AYES : Curran, Haddad, Knapp, Levy, Seabury, Stanley, Wetmore, Fox, Priola, DiGilio, Cavo, Visconti, Palma, Arconti, Nero, Loyola, Scozzafava.**

**NAYS : Perkins, Chianese, Rotello**

**The motion to amend failed by the following vote (2 Yes and 18 Nays):**

**YES: Duane Perkins and Benjamin Chianese.**

**NAYS: Philip Curran, Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Paul Rotello, Marina Loyola, and Joseph Scozzafava.**

**A motion was made by Gregg Seabury and seconded by Andrew Wetmore move the question on the main motion.**

***The motion carried by the following vote(17 Yes and 3 Nays):***

***AYES: Philip Curran, Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Marina Loyola, and Joseph Scozzafava.***

***NAYS: Duane Perkins, Benjamin Chianese, and Paul Rotello.***

**The vote on the main motion carried as follows (19 Yes and 1 Nay)::**

***AYES: Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Marina Loyola, and Joseph Scozzafava.***

***NAYS: Philip Curran***

9. REPORT AND ORDINANCE: Cash Payments - Code of Ordinances, Section 18-24

The report was received and the amendments to the ordinance were adopted on the Consent Calendar and approved.

10. REPORT AND ORDINANCE: Still River Alliance - Code of Ordinances, Section 2-56.2

The report was received and the amendments to the ordinance were adopted on the Consent Calendar and approved.

11. DEPARTMENT REPORTS: Police, Fire, Health-Housing & Welfare, Dream Homes, Public Works, Permit Center, UNIT. Elderly, Library, Conservation Commission, Board of Ethics

***A motion was made by Joseph Cavo* and seconded by Duane Perkins ***to waive the reading of the Departmental Reports as all members have copies and additional copies are on file in the Office of the Legislative Assistant.*** *The motion carried unanimously.***

***Item #21 (December Agenda) Kennedy Place***

***A motion was made by Joseph Cavo* and seconded by Jack Knapp ***to take from the table Item #21 from the December Agenda, Kennedy Place.*** *The motion carried unanimously.***

***A motion was made by Paul Rotello and seconded by Joseph Cavo to receive the Resolution and approve the tax deferral agreement.***

Mr. Dan Lee, representing the Greystar Corporation, gave the City Council an overview of the project to be built on Kennedy Place in downtown Danbury. A discussion about the project time frames and the contract specifics including assignment took place. Further discussion regarding the impact and benefits to Danbury ensued. Councilwoman Stanley requested that Mr. Pinter bring to the attention of the Council any items in the agreement that should be given their

consideration. Mr. Pinter stated that this agreement is similar to all other Tax Deferral Agreements the Council has consider in the past. He noted that there are a few items requested by the petitioner which include the assignment of the agreement from one Greystar LLC to another Greystar LLC which will be created specifically for this location, request for notice of delinquency before the loss of deferral, and a provision for assignment should there be a conversion to condominiums. Councilman Visconti inquired about hiring local contracts. Mr. Lee stated that there would be an opportunity for local contracts to bid on some of the work. Further discussion regarding the plans and the impact to downtown Danbury ensued.

***The motion carried by the following vote (19 Yes and 1 Nay)::***

***AYES: Philip Curran, Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Duane Perkins, Benjamin Chianese, Marina Loyola, and Joseph Scozzafava.***

***NAYS: Paul Rotello.***

12. Ratification of Recent Tax Appeal Settlements: EXECUTIVE SESSION  
***A motion was made by Joseph Cavo and*** seconded by Warren Levy ***to go into Executive Session. The motion carried unanimously.*** Meeting went into Executive Session at 9:17 pm

***A motion was made by Joseph Cavo*** and seconded by Andrew Wetmore ***to end Executive Session. The motion carried unanimously.*** Executive Session ended at 10:17 pm.

***A motion was made by Joseph Cavo*** and seconded by Gregg Seabury ***to approve the settlement for the 3 properties as presented by Corporation Counsel and grant the authority to settle future cases using the 10/1/2012 grand list under provisions that were proposed.***

Councilman Chianese requested that the motion be split. The Chairman ruled that the motion could be easily divided.

***A motion was made by Benjamin Chianese*** and seconded by Paul Rotello ***to separate the motion. The motion carried unanimously.***

***A motion was made by Joseph Cavo*** and seconded by Paul Rotello ***to approve the settlement for the 3 properties as discussed in Executive Session. The motion carried unanimously.***

***A motion was made by Joseph Cavo*** and seconded by Andrew Wetmore ***to grant Corporation Counsel the authority to resolve future tax issues in the manner proposed and under the stipulations as***

**discussed in Executive Session. The motion carried by the following vote (17 Yes and 3 Nays):**

**AYES: Philip Curran, Michael Haddad, Sr., Jack Knapp, Warren Levy, Gregg Seabury, Colleen Stanley, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Fred Visconti, Elmer Palma, Christopher Arconti, Peter Nero, Marina Loyola, and Joseph Scozzafava.**

**NAYS: Duane Perkins, Benjamin Chianese, and Paul Rotello.**

## **COMMITTEES**

The Mayor ordered the following committees to sunset:

- November 2010 #1 Wireless Edge Cell Tower
- January 2009 #6 Fire Department Collection of Fees
- July 2011 #3 Danbury Museum and Historical Shortfall
- June 2013 #1 Downtown Liquor Stores
- December 2010 #15 Tax Abatement for Surviving Spouses of Police Officers and Firefighters
- November 2010 #14 Parkland Preservation
- September 2007, #9 Ann Drive
- August 2012 #22 Sanitary Sewer Extension-Johnson Drive, Pembroke Ter, East Pembroke
- September 2010 #5 Lee and Robinson Farm Land Protection
- October 2010 #3 Building Department Fees.

Mayor Boughton made the following appointments to existing committees:

- January 2007 #9 Property Tax Abatement Vol, Councilman Haddad, Chair and Councilman Knapp to replace Trombetta and Nagarsheth
- August 2013 #1 Proposed Lease Head Start, 37 Foster Street, President Cavo to chair replacing Teicholz
- February 2011 #3 Off Leash Dog Park, Councilman Wetmore to Chair replacing Teicholz
- February 2013 #9 Use of Public Grounds Councilman DiGillio to replace Halas.

All other committees were extended.

**A motion was made by Gregg Seabury** and seconded by Christopher Arconti **to Adjourn. The motion carried unanimously.** There being no further business before the City Council the meeting adjourned at 10:27 pm.

Attest,

Mark D. Boughton, Mayor