

2. Danbury Still River
Alliance Commission -
Section 2-56.2



City of Danbury
City Council

March 22, 2013

The Honorable Mayor Mark Boughton
& City Council Members
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton & City Council Members:

As you know the City Council recently re-authorized the recognition of the Still River Alliance (SRA) as a City based organization with representation to include the Recreation and Health and Human Services Department. This recognition ensures that members of the SRA are protected from personal liability in the performance of their official duties. However, as discussed at the March Council meeting we feel it is important to establish the SRA as an ordinance based Commission of the City with the related appointment, sunset and public notice duties and requirements similar to the many other commissions that do so much work for our City and its citizens.

As such, we respectfully request the appointment of an ad hoc committee to formulate, with the assistance of Corporation Counsel and others, such an ordinance.

We thank you for your attention to this request and are available to respond to any questions you may have.

Truly,

Joseph Cavo
President
Danbury City Council
j.cavo@danbury-ct.gov

Thomas J. Saadi
Minority Leader
Danbury City Council
t.saadi@danbury-ct.gov

**Ad Hoc Committee
Still River Alliance
Caucus Room, 3rd Floor, City Hall
September 16, 2013**

Chairman Phil Curran called the meeting to order at 5:35PM

COMMITTEE MEMBERS PRESENT: Chairman Phil Curran, Joseph Cavo and Tom Saadi

ALSO PRESENT: Laszlo Pinter, Deputy Corporation Counsel, Scott Leroy, Director of Health and Human Services and Ed Siergiej.

Chairman Curran reminded the members that the purpose of the meeting is to look at the alliance and possibly have an ordinance and establishes a commission for authority.

Mr. Pinter said the meeting was requested by Council members to look at formation of an ordinance that would provide a formal setup making the Still River Alliance as a formal commission. The first correspondence handed out by Mr. Pinter outlined the adoption of a resolution which summarizes the status of the Still River Alliance at the present time. The second piece of correspondence was a letter from Nick Kaplanis which outlined the history of the Still River Alliance. The recommendation from Mr. Pinter's office would be to define the purpose of the Still River Commission, purpose of duties, membership to include or not include members of the City in terms of office. Mr. Pinter said the Ad Hoc Committee would need to decide if the resolution is sufficient or take the next step and recognize them as a formal commission to include all membership formalities.

Mr. Cavo said he and Mr. Saadi requested the appointment of the ad hoc committee with the intention to formalize the process to offer further protection to operate as a commission.

Mr. Saadi said it was his understanding there was a concern that members of the alliance could be subject to suit and that the Municipal insurance carrier would not appoint someone to defend them or cover any liability. Would they have to rely on their own personal insurance?

Mr. Pinter said the first step was adopting the resolution. He explained exposure to liability if a claim were filed and how the alliance would be covered. Mr. Pinter said maybe Nick Kaplanis would be an "overseer" of the alliance's work.

Mr. Curran asked if it would be wise to establish a commission. His concern was if the commission members were to change in 5 years, wouldn't it be better if the City had control.

Mr. Saadi asked what is the minimum entity or structure. He asked what is the need to have outside people involved.

Mr. Leroy explained the formal structure and the need for flexibility as to who is on the commission.

Mr. Siergiej said they would want the members to be Danbury residents to be part of the maintenance of the Still River Greenway. Mr. Leroy added that there are people who don't live in Danbury but work close to the Greenway and they use it.

Mr. Cavo suggested a 9 member commission. Six Council members and 3 non-residents or people connected to the Greenway or at large members.

Mr. Saadi said that any volunteers would not be considered members of the commission as stated in the last sentence of the resolution. He asked Corporation Council to come back with more information for the committee to review.

Mr. Pinter suggested that a member from the Parks and Recreation Department be part of a 9-member commission. Mr. Cavo inquired about a Parks and Recreation employee being an ex-officio member.

Mr. Cavo asked about the pitfalls to creating a commission. Mr. Pinter said increased liability, inadequate membership, public purpose and administrative oversights.

Mr. Saadi asked that the committee continue to meet and be provided with more information.

Mr. Cavo made a motion, seconded by Mr. Saadi to ask Corporation Council to formally draft an ordinance that would form a creation of a Still River Alliance Commission for review by both the Still River Alliance and this ad hoc. The motion carried unanimously.

Mr. Cavo made a motion, seconded by Mr. Saadi through the call of the Chair to continue meeting and wait for more information from Corporation Council. The motion carried unanimously.

Mr. Cavo made a motion, seconded by Mr. Saadi to adjourn at 6:02PM. The motion carried unanimously.

Respectfully Submitted,

Phil Curran, Committee Chairman

Joseph Cavo

Thomas Saadi

~AD HOC REPORT~
Still River Alliance
Monday, November 18, 2013

Chairman Phil Curran called the meeting to order at 6:30 p.m. on Monday, November 18, 2013, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee members Joseph Cavo and Thomas Saadi. Ex Officio Members: Jack Knapp, Michael Haddad, Greg Seabury and Fred Visconti. Also present were Laszlo L. Pinter, Deputy Corporation Counsel; Ed Siergiej, Still River Alliance; interested parties.

Chairman Curran introduced everyone present at the meeting and briefly explained the purpose of the meeting. The meeting was a continuation of the Committee meeting held on September 16, 2013.

Chairman Curran pointed out that as a result of the last meeting, Corporation Counsel was to draft an Ordinance. He opened up the floor to Attorney Pinter for further elaboration and an update as to the events since the September 16th meeting.

Mr. Cavo interjected and asked that a correction to the September 16, 2013 minutes be made. The last paragraph of the first page, "Mr. Cavo suggested a 9 member commission. Six Council members and 3 non-residents or people connected to the Greenway or at large members." Mr. Cavo said it should read: "Mr. Cavo suggested a 9 member commission. Six residents of the City of Danbury and 3 non-resident or people connected to the Greenway or at large members."

Attorney Pinter explained that a draft Ordinance was being presented to the Committee with the intention to formalize the process and to offer further protection for the Still River Alliance to operate as a commission. There was a desire for additional codification, more protections and more formalities. The Ordinance is patterned after some others that the City currently has in place that were adopted over the years. The Ordinance provides a purpose, the membership is to consist of ten regular members—six from residents, three non-residents and one City official, the terms of office are identified, staff is referenced to be the Department of Health and Human Services, as well as encompassing some common provisions. The Ordinance is designed to provide not only additional strength for the commission as a body that has the full codification and protection of the City, it also has certain other obligations on the part of the commission to comply with FOI, parliamentary and other procedures that may exist. The Ordinance can be adopted after a Public Hearing and following the usual protocol.

Mr. Saadi asked that a correction be made under provision "d", terms of office, the sentence after number 3, "at the expiration of the original term of office of the six original members, he or she shall be re-appointed or his or her successor shall be appointed for a term of three years." With the consensus of the Committee, Attorney Pinter will correct the language from "he or she shall be re-appointed" to "he or she may be re-appointed".

Mr. Saadi asked if there was another Ordinance that governs the appointing authority and the confirmation authority or does language need to be incorporated into the Ordinance before the Committee. Mr. Cavo directed Mr. Saadi's attention to the section of the Ordinance that addressed his concern.

Mr. Siergiej expressed concern with phasing the new format of the commission with the format that has been in place as well as any political impact. Mr. Cavo explained that the Mayor will entertain letters of interest from individuals. He did not believe political affiliation was a driving factor to being selected for the commission. Attorney Pinter did point out that there is a requirement through the Statutes to ensure equality with party representation on the various boards and commissions (a maximum of six from any one party).

A motion was made by Councilman Cavo and seconded by Councilman Saadi that the Ad Hoc Committee recommends to the City Council as a whole that the draft Ordinance, Section 2-56-2, regarding the creation of the Still River Alliance Commission send the matter to a Public Hearing.

Mr. Cavo asked that the correction suggested by Mr. Saadi be made: under provision "d", terms of office, the sentence after number 3, "at the expiration of the original term of office of the six original members, he or she shall be re-appointed or his or her successor shall be appointed for a term of three years", CHANGE TO BE MADE from "he or she shall be re-appointed" to "he or she may be re-appointed".

The motion passed unanimously.

A motion was made by Councilman Cavo and seconded by Councilman Saadi that the Ad Hoc Committee be adjourned. The motion passed unanimously at 6:50 p.m..

Respectfully submitted,

Phil Curran, Chairman

Joseph Cavo

Tom Saadi



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2013

Be it ordained by the City Council of the City of Danbury:

Sec. 2-56.2 Danbury Still River Alliance Commission.

- (a) *Created.* There is hereby created the City of Danbury Still River Alliance Commission.
- (b) *Purpose; duties.* Said commission shall perform essential functions related to nature conservancy and community outreach in a variety of capacities on behalf of City departments and citizens. Said commission's activities shall include, but are not limited to, maintaining the Still River Greenway and promoting it to the Danbury community through events and programs involving passive recreation, nature appreciation and environmental education, and to this end may be aided by financial donations.
- (c) *Membership.* Said commission shall consist of ten (10) regular members, six (6) who shall be chosen from legal residents of the city, three (3) who shall be chosen from non-residents outside of the city and one (1) city official, for their knowledge, competence or experience in connection with nature conservancy, by the mayor subject to the approval of the city council.
- (d) *Terms of office.* The terms of office for said members shall be as follows:
- (1) Four (4) members for a period of three (3) years each.
 - (2) Three (3) members for a period of two (2) years each.
 - (3) Three (3) members for a period of one (1) year.

Thereafter, at the expiration of the original term of office of each of the ten (10) original members, he or she may be reappointed or his or her successor shall be appointed for a term of three (3) years.

(e) *Receipt and disbursement of funds.* The said commission shall be authorized to receive and disburse local, state and federal funds and private monies for purposes within the jurisdiction and authority of the commission in accordance with standard municipal fiscal procedures.

(f) *Other functions.* The said commission may undertake such other activities as deemed appropriate to recognize and encourage nature conservancy in the City of Danbury.

(g) *Staff.* The staff of the Department of Health and Human Services shall provide clerical support services to the commission.