

CITY COUNCIL MEETING

February 5, 2019

Honorable Mayor, Mark D. Boughton, called the meeting to order at 7:30 p.m. in the Council Chambers.

PLEDGE OF ALLEGIANCE & PRAYER

The Pledge of Allegiance was led by Sabrina and Jacob Saadi. Councilman Curran led all in prayer.

ROLL CALL:

COUNCIL MEMBERS PRESENT: Philip Curran, Mike Esposito, Colleen Stanley, Warren Levy, Robert Taborsak, Andrew Wetmore, Irving Fox, John Priola, Vinny DiGilio, Joseph Cavo, Thomas Saadi, Fred Visconti, Elmer Palma, John Esposito, Duane Perkins, Ben Chianese, Nancy Cammisa, and Paul Rotello.

COUNCIL MEMBERS ABSENT: Councilman Bennett is recovering; Councilman Arconti has a work commitment; and Councilman Scozzafava is ill.

PRESENT: 18, ABSENT: 3

ALSO PRESENT: Robert J. Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; Dan Garrick, Deputy Director of Finance; and Jean Natale, Legislative Assistant.

PUBLIC SPEAKING

- Lynn Waller, Danbury, thanked the Mayor for his consideration and commented on Items 1. and 2.
- Ken Gucker, 89 Padanaram Road, Danbury, discussed Items 2. and 6.
- Stephen Howard, Fairfield, discussed Item 4.
- Matthew Trusky, New Fairfield, discussed Item 4.

ANNOUNCEMENTS

Mayor Boughton made the announcements for the month of February.

Councilman Thomas Saadi announced his resignation due to responsibilities of his continuing appointment to Connecticut Commissioner of the Department of Veteran's Affairs increasing commitments to the Army Reserve. He thanked many current and former Councilmembers and staff.

Connecticut State Senator Julie Kushner, Connecticut State Representatives Bob Godfrey and Ken Gucker provided citations from the State to Thomas Saadi. The Mayor and Members of the City Council thanked Thomas Saadi for his many years of work and commitment to the City presented him with a plaque, clock, Key to the City, and tokens of appreciation.

MINUTES - Minutes of the Council Meeting held January 3, 2019.

A motion was made by Councilman Cavo, and was seconded by Councilman Perkins, to waive the reading and accept the minutes, as all members have copies and copies are on file for review in the office of the Legislative Assistant. The motion carried unanimously.

CONSENT CALENDAR

3. **COMMUNICATION - Request to Accept Donation – Police Department - Chairs**

Receive the communication and accept the donation to the Danbury Police Department of forty-five (45) task chairs from Summit Development.

4. **COMMUNICATION - Request to Accept Donation – Police Department – Vans**

Receive the communication and accept the donation of two Chevrolet Express 2500 12-passenger vans (model years 2011 and 2012) to the Danbury Police Department from the Danbury Police Explorers Post.

5. **COMMUNICATION - Disposal of Surplus Equipment**

Receive the communication and declare the attached list as surplus and approve the request to dispose of these items at public auction in accordance with Section 2-153 of the Code of Ordinances.

6. **COMMUNICATION - Appointment to the Zoning Commission**

This Item was removed from the Consent Calendar and placed on the Regular Agenda.

7. **RESOLUTION - Acquisition of Land – 25 Miry Brook Road**

Receive the communication and adopt the Resolution authorizing the Office of the Corporation Counsel to acquire the property located at 25 Miry Brook Road subject to a positive planning report.

10. **RESOLUTION - American Library Association Grant**

Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton, or Katie Pearson, Library Director, as his designee, to apply for and accept funding made available from the American Library Association 2019-2020 Library Services and Technology Act Literacy Grant not to exceed \$7,500, a 25% local match will be met through Library in-kind services.

11. **RESOLUTION - Broadview Middle School Oil Tank**

Receive the communication and adopt the Resolution authorizing the Board of Education of the City of Danbury, through the Superintendent of Schools, to file for and accept funding from the State Department of Administrative Services for the Broadview Middle School Oil Tank Replacement Project along with the following conditions, establish a School Building Committee and authorize the preparation of schematics, final drawings, and specifications.

12. RESOLUTION - King Street Intermediate Oil Tank

Receive the communication and adopt the Resolution authorizing the Board of Education of the City of Danbury, through the Superintendent of Schools, to file for and accept funding from the State Department of Administrative Services for the King Street Intermediate School Oil Tank Replacement Project along with the following conditions, establish a School Building Committee and authorize the preparation of schematics, final drawings, and specifications.

13. RESOLUTION - King Street Primary Oil Tank

Receive the communication and adopt the Resolution authorizing the Board of Education of the City of Danbury, through the Superintendent of Schools, to file for and accept funding from the State Department of Administrative Services for the King Street Primary School Oil Tank Replacement Project along with the following conditions, establish a School Building Committee and authorize the preparation of schematics, final drawings, and specifications.

14. RESOLUTION - Rogers Park Middle School Oil Tank

Receive the communication and adopt the Resolution authorizing the Board of Education of the City of Danbury, through the Superintendent of Schools, to file for and accept funding from the State Department of Administrative Services for the Rogers Park Middle School Oil Tank Replacement Project along with the following conditions, establish a School Building Committee and authorize the preparation of schematics, final drawings, and specifications.

16. RESOLUTION - Centers for Medicare and Medicaid Service Application

Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton, or Lisa Michelle Morrissey, Director of Health, as his designee, to allow the City of Danbury Health and Human Services Department to apply to become a contracted in-network medical service provider with the Centers of Medicare and Medicaid Services and for Lisa Michelle Morrissey to be the appointed official for the CMS Enrollment Application.

20. REPORT – Storm Sewer Extension, Truck Turning Easement and Road Widening 54, 56, 58 Town Hill Avenue

Receive the communication and approve the request for Storm Sewer Extension, Truck Turning Easement & Road Widening for 54, 56, & 58 Town Hill Avenue and Park Place (Tax Assessor's Lots Nos. J14087, J14088, J14089 and J14091), subject to the City's standard eight (8) steps/conditions.

21. REPORT - Water Main Extension - 54, 56 & 58 Town Hill Avenue & Park Place

Receive the communication and approve the request for Water Main Extension for 54, 56, & 58 Town Hill Avenue and Park Place (Tax Assessor's Lots Nos. J14087, J14088, J14089 and J14091), subject to the City's standard eight (8) steps/conditions.

22. [REPORT – Storm Sewer Extension – 233 White Street at Meadow Street](#)

Receive the communication and approve the request for Storm Sewer Extension for 233 White Street at Meadow Street (Tax Assessor’s Lot Nos. J13144, J13145, J13146 and J13181) subject to the City’s standard eight (8) steps/conditions.

23. [REPORT – Waste Water Treatment Plant Bond – Renovation/Improvement](#)

Receive the report from the Planning Commission.

Councilman Cavo requested Item 6. be removed from the Consent Calendar.

Councilman Cavo moved for the acceptance of the Consent Calendar with the removal of Item 6. The motion carried unanimously.

1. [COMMUNICATION – Request for Ad Hoc – Regional Water Pollution Control Authority](#)

Motion was made by Councilman DiGilio, to send to an Ad Hoc Committee consisting of the Corporation Counsel, City Engineer, the Director of Finance, a representative from the Mayor's Office, and the Superintendent of Public Utilities. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Fox as Chair, Priola, and Visconti.

2. [COMMUNICATION – Request for Ad Hoc – Flyers and Circulars](#)

Motion was made by Councilman Curran, to send to an Ad Hoc Committee consisting of the Corporation Counsel and the UNIT. Hearing no objections, Mayor Boughton ordered the Ad Hoc Committee with the following Councilmembers - Curran as Chair, Wetmore, and Taborsak.

3. [COMMUNICATION - Request to Accept Donation – Police Department - Chairs](#)

***CONSENTED** - as received.

4. [COMMUNICATION - Request to Accept Donation – Police Department – Vans](#)

***CONSENTED** - as received.

5. [COMMUNICATION - Disposal of Surplus Equipment](#)

***CONSENTED** - as received.

6. [COMMUNICATION - Appointment to the Zoning Commission](#)

A motion was made by Councilman Saadi, and was seconded by Councilman Perkins, to receive the communication and confirm the appointment of Candace Fay to fill the vacancy on the Danbury Zoning Commission. The motion carried unanimously.

7. RESOLUTION - Acquisition of Land – 25 Miry Brook Road

***CONSENTED** - as received.

8. [RESOLUTION - Acquisition of Land – 89 Wooster Heights](#)

Airport Administrator Paul Estefan responded to Councilman Rotello regarding details of the item.

A motion was made by Councilman Cavo, and was seconded by Councilman Wetmore, to receive the communication and adopt the Resolution authorizing the acquisition of 89 Wooster Heights Road for the purposes of DXR FAA Danbury Airport, and a Planning Commission Report. The motion carried unanimously.

9. [RESOLUTION -PCLB Foundation Grant – Elderly Services](#)

Director of Public Health Lisa Morrissey discussed the purpose of the funds.

A motion was made by Councilman Fox, and was seconded by Councilman DiGilio, to receive the communication and adopt the Resolution authorizing Mark D. Boughton, Mayor of the City of Danbury, or Susan M. Tomanio, Director of Elderly Services, as his designee, to apply for and accept funds from the Peter and Lucia Buck Foundation in an amount not-to-exceed \$40,000 and with no City match required, and to execute all contracts and agreements necessary to effectuate the purposes thereof. The motion carried unanimously.

10. [RESOLUTION - American Library Association Grant](#)

***CONSENTED** - as received.

11. [RESOLUTION - Broadview Middle School Oil Tank](#)

***CONSENTED** - as received.

12. [RESOLUTION - King Street Intermediate Oil Tank](#)

***CONSENTED** - as received.

13. [RESOLUTION - King Street Primary Oil Tank](#)

***CONSENTED** - as received.

14. [RESOLUTION - Rogers Park Middle School Oil Tank](#)

***CONSENTED** - as received.

15. [RESOLUTION- Connecticut Department of Public Health Opioid Prevention Activities](#)

A motion was made by Councilwoman Stanley, and was seconded by Councilman Taborsak, to receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton, or Lisa Morrissey, Director of Health, as his designee, to apply for and accept funds which are available to local health departments for community-based opioid prevention services and activities. This request is not-to-exceed \$10,000 and is to be used between February 1, 2019 and August 31, 2019 and requires no local match, and to execute all contracts and agreements necessary to effectuate the purposes thereof. The motion carried unanimously.

16. [RESOLUTION - Centers for Medicare and Medicaid Service Application](#)

**CONSENTED* - as received.

17. [RESOLUTION- WWTP Upgrade Project – Temporary Construction Easement](#)

Motion was made by Councilman Priola, to send to receive the communication and refer to the Planning Commission for a report. Hearing no objections, Mayor Boughton so ordered.

18. [RESOLUTION- Request Enactment of Property Tax Deferment](#)

Motion was made by Councilman Wetmore, and was seconded by Councilwoman Stanley, to send to receive the communication and adopt the Resolution establishing a Tax Deferment Program for Federal Employees affected by the shutdown as presented. The motion carried unanimously.

19. [REPORT– Recodification Of Danbury’s Ordinances](#)

Motion was made by Councilman Cavo, and was seconded, to waive the reading of the report as all members have copies and copies are on file for review in the Office of our Legislative Assistant. The motion carried unanimously.

Councilman Perkins commented that the document is an improvement in form; however, there are substantive changes, notably the index has gaps between items. He inquired whether those gaps could contain notes on where that information could be found.

Mr. Pinter noted Municipal Code Corporation carefully reviews the list of Ordinances by number. He will check with them but noted scenarios in which Ordinance numbers would be skipped. He can also look into putting notations into those gaps if it would help the Council. Mr. Pinter responded affirmatively to Councilman John Esposito's inquire whether MMC archives all the information from the previous code book. He added that the municipal code can be accessed through the Office of the Legislative Assistant. Mr. Pinter responded to Councilman Taborsak that there is a simple way to fix any clerical errors and insert information.

Councilman Chianese noted the book is to be used and if issues are found, changes can be made. He would like all Councilmembers to have a hard copy.

Councilman Rotello highly commended the format; however, he would prefer to go through hard copies side by side and urged the other Councilmembers to do so, whether it is passed this evening or not, and whether an online copy is used or not, to ensure no intent has been altered.

Councilman Levy stated there should be a process for reporting to the Council on an annual basis which could include an outside review. He will be suggesting an Ad Hoc Committee for this purpose. Councilman Saadi concurred noting the State publishes supplements; the gaps are reserved or codification of the most recently referred to Ordinance and in parens refers back to the original Ordinance.

Motion was made by Councilman Cavo, and was seconded by Councilman Saadi, that the City Council adopt the Municipal Code authorizing the 2018 Code of Ordinances for the City of Danbury, Connecticut. The motion was clarified to include 'authorizing and adopting the 2018 Code.' The motion carried 17:1, Councilman Rotello voting no. Attorney Pinter added the words “the council adopts the adopting Ordinance.”

20. [REPORT – Storm Sewer Extension, Truck Turning Easement and Road Widening 54, 56, 58 Town Hill Avenue](#)

**CONSENTED* - as received.

21. [REPORT - Water Main Extension - 54, 56 & 58 Town Hill Avenue & Park Place](#)

**CONSENTED* - as received.

22. [REPORT – Storm Sewer Extension – 233 White Street at Meadow Street](#)

**CONSENTED* - as received.

23. [REPORT – Waste Water Treatment Plant Bond – Renovation/Improvement](#)

**CONSENTED* - as received.

24. [AD HOC REPORT - Roads and Paving](#)

Motion was made by Councilman Cavo, and was seconded, to waive the reading of the report as all members have copies and copies are on file for review in the Office of our Legislative Assistant. The motion carried unanimously.

Motion by Councilman Andrew Wetmore, and seconded, to receive the report and adopt the Committee's recommendation to move the \$1.7 million for paving and ask Public Works to accelerate their schedule for paving. The motion passed unanimously.

25. [AD HOC REPORT - Illicit Discharge Connection – Stormwater](#)

Motion was made by Councilman Cavo, and was seconded, to waive the reading of the report as all members have copies and copies are on file for review in the Office of our Legislative Assistant. The motion carried unanimously.

Councilman Rotello stated there are no substantive qualifiers to avoid turning ordinary behavior into criminal behavior such as grass clippings that blow into the street, tenancy vs. ownership and those who live on private roads, etc.

Mr. Iadarola commented on what is driving this, laws pertaining to MS4, Counsel was present at the Ad Hoc meeting, and there is a deadline. He responded to Councilman Cavo noting the Clean Water Act is trying to get people to think about things that are creating pollution. He responded to Councilman Wetmore that the City's General Permit would be at risk if this is not adopted. Mayor Boughton commented on discretion to be used.

Mr. Pinter responded to Councilman Chianese that the deadline was originally last summer with additional time to allow a process to accomplish it and complete it as soon as possible. He also responded to Councilman Perkins regarding the types of things that are considered substantive changes versus clarifying language. Mayor Boughton added that the State has already made inquiries as to the progress.

Motion was made by Councilman Rotello, and was seconded by Councilman Perkins, to recommit this item to an Ad Hoc Committee. Motion failed 7:11, Councilmembers Curran, Stanley, Levy, Wetmore, Fox, Priola, DiGilio, Cavo, Palma, John Esposito, and Cammisa voting no.

Motion by Councilman Curran, and seconded, to recommend that the Council move the Ad Hoc to a Public Hearing. The motion passed 15:3, Councilmen Chianese, Perkins, and Rotello voting no.

26. [AD HOC REPORT- Lease Land – 62 – 69 Kenosia Avenue](#)

Motion was made by Councilman Cavo, and was seconded by Councilman Perkins, to waive the reading of the report as all members have copies and copies are on file for review in the Office of our Legislative Assistant. The motion carried unanimously.

Motion by Councilman Priola, and seconded by Councilman Rotello, to receive the report and refer to the Planning Commission for a report and subsequent Public Hearing. Hearing no objections, Mayor Boughton so ordered.

27. [DEPARTMENT REPORTS – Police, Fire, Health-Housing & Welfare, Public Works, UNIT, Elderly, Library, Dream Homes, Permit Center](#)

Mayor Boughton commended Police Chief Ridenhour as crime was down for the month. He also thanked the Police Explorers for attending.

Motion was made by Councilman Cavo, and was seconded by Councilman Saadi, to waive the reading of the Departmental Reports as all members have copies and copies are on file for review in the Office of the Legislative Assistant. No objections, so ordered.

28. [EXECUTIVE SESSION-COMMUNICATION - Revaluation Year Tax Appeal Ratification Authority](#)

Motion was made by Councilman Cavo, and was seconded by Councilman Saadi, to move into Executive Session for the purposes of discussing Tax Appeals.

Motion was made by Councilman Cavo, and was seconded by Councilman Fox, to authorize the Office of Corporation Counsel take actions as discussed in Executive Session regarding the Revaluation Year Tax Appeal Ratification Authority. Motion carried unanimously.

[ADJOURNMENT](#)

Mayor Boughton extended all Committees and replaced Councilman Saadi with Councilman Visconti on the First Congregational Ad Hoc Committee and thanked Councilman Saadi for his work and wished him well in his future endeavors.

A motion was made by Councilwoman Stanley, and was seconded by Councilwoman Cammisa, to adjourn the City Council Meeting. Motion carried unanimously. The meeting adjourned at

Motion was made by Councilman Saadi, and was seconded by Councilman Cavo, to return to regular session. Motion carried unanimously.

Respectfully Submitted,

Lori Goor
Recording Secretary

Attest,
Mark D. Boughton, Mayor