

TO: Mayor Mark D. Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held January 3, 2002

The meeting was called to order at 7:30 P.M. The Pledge of Allegiance and Prayer were recited. The members were recorded as:

PRESENT –Nolan, Null, Kelly, Mazzuchelli, Buzaid, Dean Esposito, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Williams, Basso, Furtado, Gallagher, Gogliettino, Moore

ABSENT – McAllister, Darius, Neptune

18 Present – 3 Absent

Mr. McAllister was out of State and Ms. Neptune had a personal commitment

PUBLIC SPEAKING – Mike Kaufman, 301 Main Street – spoke in favor of item 20

MINUTES – Minutes of the Special Common Council Meeting held December 3, 2001 and the Common Council Meeting held December 4, 2001. Mr. Levy made a motion to approve the minutes as submitted and waive the reading as all members have copies, which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

(At 7:35 P.M. Mr. Darius arrived and was marked present)

CONSENT CALENDAR – John Esposito submitted items 2, 4, 5, 6, 7, 8, 9, 10, 16, 17, 20, 21, 22, 24, 25, 26, 29, 31, 32, and 34 for the Consent Calendar.

Mr. Levy made a motion to adopt the Consent Calendar as presented. Seconded by Mrs. Basso. Motion carried unanimously.

1 – RESOLUTION – AIDS Prevention Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health, through the AIDS Prevention Program, has made grant funds available to full-time health departments to provide HIV health education, information and expanded services for the period of July 1, 2002 through June 30, 2004; and

WHEREAS, grant funds not to exceed \$357,751.00 requiring no local match will be made available to the Danbury Health and Housing Department for its AIDS Risk Reduction Outreach Education Program and HIV Counseling and Testing Services upon approval of a grant application therefore; and

WHEREAS, the Danbury Health and Housing Department will provide these services to the general public with particular attention given to individuals concerned about possible exposure to HIV, serving both residents and non-residents with no restrictions on who may be served.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury or William J. Campbell, Director of Health, as his designee, is authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor or the Director of Health regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts, agreements or amendments thereof, which do not require expenditure of City funds, with the State of Connecticut Department of Public Health Services regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

Mr. Gallagher made a motion to receive the communication and adopt the resolution. Seconded by Dean Esposito. Motion carried with Council Members Nolan, Williams, Basso and Darius voting in the negative.

2 – RESOLUTION – AIDS Prevention Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services through its AIDS Prevention Program, has made grant funds available to full-time health departments to provide HIV health education information and expanded services for the period of July 1, 2000 through June 30, 2002; and

WHEREAS, the State of Connecticut Department of Public Health Services has increased the total amount of grant funds available pursuant to this program; and

WHEREAS, grant funds are now available in an amount not to exceed \$531,675.00 requiring no local match, will be made available to the Danbury Health and Housing Department for its AIDS Risk Reduction Outreach Education Program, HIV Counseling and Testing Services, its Needle Exchange Program and its Ryan White Title II Case Management Program, upon approval of a grant application therefore; and

WHEREAS, the Danbury Health and Housing Department will provide these services to the general public with particular attention given to individuals concerned about possible exposure to HIV, serving both residents and non-residents with no restrictions on who may be served.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor or the Director regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof which do not require expenditure of City funds, with the State of Connecticut Department of Public Health Services regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

The revised resolution to apply for and accept funding in the amount of \$222,115.00 for AIDS Prevention Program was adopted on the Consent Calendar.

3 – RESOLUTION – Emergency Medical Services Equipment

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health, Office of Emergency Medical Services has made available a grant for ambulance equipment to be used by Business Systems, Inc. in its provision of ambulance services to City services; and

WHEREAS, the equipment to be used to assist in mass casualty incidents, consists of for mass casualty (MCI) treatment bags; and

WHEREAS, the grant application will seek \$2,999.00 with no local match required.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to make application for said grant funds, and to execute such other documents as may be required to accomplish the purposes hereof.

Mr. Saadi made a motion to receive the communication and adopt the resolution. Seconded by Mr. Moore. Motion carried unanimously.

4 – RESOLUTION – Early Reading Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Public Library and the Danbury Public Schools are desirous of continuing a joint effort to provide after school and summer reading activities and services for grades K through 5, in the Danbury elementary schools, under the Early Reading Success Grant; and

WHEREAS, the Danbury Public Schools expect to receive a grant from the State of Connecticut Department of Education for the purposes of this program; and

WHEREAS, the Danbury Public Library, as sub-grantee, intends to use these funds through June 30, 2002 to establish and maintain a program of reading and activities to benefit these children; and

WHEREAS, the funding to be provided to the Library is not to exceed \$12,500.00 in 2001-2002, with no other match required.

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Public Library and the Danbury Public Schools be and hereby are authorized to enter into an agreement formalizing the after school and summer reading program and that Mayor Mark D. Boughton is authorized to execute such document(s) on behalf of the City of Danbury and take such other actions as are required to effectuate the purposes hereof.

The resolution to apply for and accept grant funding in the amount of \$12,500 for the Early Reading Program was adopted on the Consent Calendar.

5 – RESOLUTION – WIC Supplemental Nutrition Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services has notified the City of Danbury Health and Housing Department of its eligibility for a renewal grant for its Women, Infants and Children's (WIC) Supplemental Nutrition Program; and

WHEREAS, the Common Council of the City of Danbury, at its meeting of June 6, 2001, adopted a resolution authorizing then Mayor Gene F. Eriquez to execute a WIC contract in accordance with funds then designated; and

WHEREAS, there have been certain changes in execution authority and in the specified terms of the Grant; and

WHEREAS, there have been certain changes in execution authority and in the specified terms of the Grant; and

WHEREAS, said Supplemental Nutrition Grant will be in the total amount of \$342,750.00 with \$228,500.00 designated for year one and \$114,250.00 designated for year two; and

WHEREAS, the City of Danbury is desirous of obtaining said funding to continue this program.

NOW, THEREFORE, BE IT RESOLVED THAT to accomplish the purposes of said program, Mayor Mark D. Boughton of the City of Danbury be and hereby is empowered to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereto with the State of Connecticut Department of Public Health Services and to accept said grant funds as offered, and to ratify such prior, related authorizations as may be required for the purposes hereof.

The resolution to apply for and accept grant funding in the amount of \$342,750 with \$228,500 designated for year one and \$114,250 designated for year two for the Supplemental Nutrition Grant Program was adopted on the Consent Calendar.

6 – COMMUNICATION – Appointment to the Parks and Recreation Commission

Request from Mayor Boughton that the appointment of Frank J. Callace to the Parks and Recreation Commission for a term to expire July 1, 2004 be confirmed. The appointment was confirmed on the Consent Calendar.

7 - COMMUNICATION – Appointment to the Lake Kenosia Commission

Request from Mayor Boughton that the appointment of Steven L. Krammer to the Lake Kenosia Commission for a term to expire May 1, 2003 be confirmed. The appointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Appointments as Alternates to the Planning Commission

Request from Mayor Boughton that the appointments of Mary D. Saracino and Kenneth H. Keller as alternate members of the Planning Commission for terms to expire January 1, 2005 be approved. The appointments were confirmed on the Consent Calendar.

9 - COMMUNICATION – Appointment as Towing Officer and Parking Ticket Officer

Request from Mayor Boughton that the appointment of Michael Safranek as Towing Officer and Parking Ticket Officer for terms to expire January 1, 2004 be confirmed. The appointment was confirmed on the Consent Calendar.

10– COMMUNICATION – Appointment as Alternate on the Fair Rent Commission

Request from Mayor Boughton that the appointment of Gregg W. Seabury as an Alternate member of the Fair Rent Commission for a term to expire July 1, 2004. The appointment was confirmed on the Consent Calendar.

11– COMMUNICATION –Request for Committee to Study facility needs of Police and Fire Departments

Mr. Levy made a motion to suspend the rules to allow the Mayor to address the Common Council on this matter. Seconded by John Esposito. Motion carried unanimously. Mayor Boughton outlined his concerns on this issue.

Mr. Levy asked that this be referred to an ad hoc committee, the Planning Director, the Police and Fire Chiefs and the Superintendent of Public Buildings. Mayor Boughton so ordered and appointed Council Members Levy, John Esposito, Saadi, Basso and Nolan to the committee.

12 – COMMUNICATION – Donations from PAL Baseball League

Donation of the 2nd floor addition to the concession stand at Lawrence Visconti Stadium from the 25 Board Members of Danbury PAL Baseball and the parents and players of the league. The Pal is also donating a batting cage for field 1 and a bullpen and batting cage for the Babe Ruth field. Dean Esposito made a motion that the communications be received, the donations accepted and a letter of thanks sent. Seconded by Mrs. Basso. Motion carried unanimously.

13 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services for permission to accept donations in the amount of \$235.00 sent to the Department of Elderly Services for the use of the Danbury Senior Center. Mr. Furtado made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

14 – COMMUNICATION – Roger’s Park Baseball Fields

Mr. Levy asked that this be referred to the Parks and Recreation Commission. Mayor Boughton so ordered.

15 –COMMUNICATION – Donation to the Welfare Department

Request from Director of Welfare Deborah MacKenzie for permission to accept the donation of a refrigerator to the Welfare Department. Mrs. Basso made a motion to receive the communication, accept the donation and send a letter of thanks. Motion was seconded and passed unanimously.

16 – COMMUNICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath that the sum of \$831 be transferred from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

17 – COMMUNICATION – Request for Funds for Special Election

Request from the Registrar of Voters that the sum of \$9,250 be transferred from the Contingency Account to the Registrars and Elections budget for the Special Election to be held on January 29, 2002. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

18 – COMMUNICATION –Removal and Replacement of Diesel Tank

Request from Airport Administrator Paul Estefan that the additional sum of \$17,230 be appropriated to pay Mitchell Fuel for additional work performed in the removal and replacement of the diesel tank at the Airport. A certification of funds was attached. Mr. Gallagher made a motion to receive the communication and authorize the transfer of funds. Seconded by Mrs. Basso. Motion carried unanimously.

19 – COMMUNICATION – West Lake Water Treatment Plant

Mr. Furtado asked that this be referred to an ad hoc committee, the Superintendent of Public Works, the Superintendent of Public Utilities, the Director of Finance and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Saadi, Kelly and Nolan to the committee.

20 – COMMUNICATION – Request for Approval of Payment – 163 Westville Avenue Extension

Request from Director of Public Works William Buckley for payment of \$2,860 to Harbor View Construction for work done to fix a leak at 163 Westville Avenue Extension. The funds will come from the water department operating budget. The request was approved on the Consent Calendar.

21 – COMMUNICATION – Sun Healthcare Group v. City of Danbury

Request from Corporation Counsel Eric Gottschalk requesting authorization to select an attorney licensed to practice before the bankruptcy court in Delaware for the above lawsuit. The Mayor was authorized to select an attorney licensed to practice before the bankruptcy court in Delaware for the limited purpose of the Sun Healthcare Group v. City of Danbury on the Consent Calendar.

22 – COMMUNICATION – Request for Extension of Time – Terre Haute Road

The request for an extension of time for sewer and water extension for RFC Property II, Inc. on Terre Haute Road was granted on the Consent Calendar for a period not to exceed eighteen months.

23 – COMMUNICATION – Request for Workforce Development ad hoc committee

Request from Council Member Michael Moore that the ad hoc committee on workforce development be reappointed. Mr. Furtado asked that this be referred to an

ad hoc committee and the Director of Welfare. Mayor Boughton so ordered and appointed Council Members Moore, Gogliettino and Nolan to the committee.

24 – COMMUNICATION – Election to the Pre 1967 Police Pension Fund

Letter from Council President Warren Levy requesting the confirmation of Council Member John C. Gogliettino to the Pre 1967 Police Pension Fund, the 1967 Police Pension Fund and the 1983 Police Pension Fund. The appointment was confirmed on the Consent Calendar.

25 – COMMUNICATION – Appointment as Lease Review Liaison

Letter from Council President Warren Levy requesting confirmation of Council Member Emile Buzaid as liaison for lease review for the Tarrywile Park Authority. The appointment was confirmed on the Consent Calendar.

26 – COMMUNICATION – Request for Road Acceptance – Josh Lane

Report from Director of Public Works William Buckley recommending the acceptance of Josh Lane as a City street subject to the receipt of legal documents acceptable to the Corporation Counsel's Office. The acceptance of Josh Lane as a City road subject to receipt of legal documents acceptable to the Corporation Counsel's Office was approved on the Consent Calendar.

27 – COMMUNICATION – Removal of Overhead Power Lines

Request from Arthur E. Powell for permission to approve the overhead power, phone and cable TV lines that cross the street in front of his home and to run these lines underground per City and Utility Company specifications and guidelines. Mr. Saadi asked that this be referred to the Superintendent of Public Utilities and the Fifth Ward Council Members.

28 – COMMUNICATION – H & B Associates – Scuppo Road

Request for sanitary sewer extension at 3-19 Scuppo Road. Mr. Gogliettino asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Machado, Moore and Scozzafava to the committee.

29 – COMMUNICATION – Acquisition of Property – 9 Bank Street

Request from Director of Public Works William Buckley that the acquisition of Property at 9 Bank Street be authorized through negotiations with the property owner or by whatever legal action is deemed warranted by the Corporation Counsel. Approval was given to the Corporation Counsel's Office to acquire 9 Bank Street through negotiations with the property owner or if necessary by whatever legal action is deemed warranted on the Consent Calendar.

30 – COMMUNICATION – 76-78 Balmforth Avenue

Mr. Moore asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Buzaid, Basso and Scozzafava to the committee.

31 – COMMUNICATION – Reports regarding Duchess Restaurant – White Street

Reports from the Corporation Counsel and the Director of Public Works recommending approval of the request and acceptance of the proposed conveyance. The reports were accepted and the request granted on the Consent Calendar.

32 – COMMUNICATION – Benedict Avenue

Reports from the Corporation Counsel and the Director of Public Works recommending the acceptance of the proposed new section of Benedict Avenue upon the completion of all proposed improvements in manners acceptable to the Public

Works Department and subject to the receipt of as-built mapping and of legal documents acceptable to the Corporation Counsel's Office. Acceptance of the reports and its recommendations were approved on the Consent Calendar.

33 – COMMUNICATION – Reports regarding Ridge Drive

Reports recommending the approval of changing Ridge Drive to Ridgewood Drive. Mr. Saadi made a motion to receive the reports and authorize the change of name. Seconded by Mr. Nolan. Motion carried unanimously.

34 – REPORT – Request for Sewer and Water Extension – Duck Street

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Duck Street met on December 17, 2001 at 8:25 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Moore and Williams. Also in attendance were Director of Public Works William Buckley and the petitioner, Ben Doto.

Mr. Buckley gave an overview of the project and recommended approval of the project subject to the required eight steps.

Mr. Moore made a motion to approve the request for sewer and water extension subject to the required eight steps. Seconded by Mr. Williams. Motion carried unanimously.

The report and its recommendations were accepted on the Consent Calendar.

35 – REPORT & ORDINANCE – U. S. Filter Service Agreement

Mr. Furtado made a motion to defer the report and ordinance to public hearing. Mayor Boughton so ordered.

36 – COMMUNICATION – Hazen's v. City of Danbury

Without objection, Mayor Boughton deferred this item to the end of the agenda for executive session.

37 – DEPARTMENT REPORTS – Fire Chief, Elderly Services, Public Works, Welfare, Fire Marshall, Police Chief. Mr. Levy made a motion that the department reports be accepted as submitted and the reading waived as all members have copies, which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Shuler. Motion carried unanimously.

Mayor Boughton extended all committees.

38 – Mr. Levy made a motion to add item 38, Interlude v. City of Danbury to the agenda for Executive Session. Seconded by Mr. Nolan. Motion carried with Mr. Gallagher voting in the negative.

At 8:32 P.M. Mr. Gogliettino made a motion to enter into Executive Session. Seconded by Mr. Buzaid. Motion carried unanimously.

At 9:05 P.M. the Common Council reconvened in public session.

36 – Mr. Levy made a motion to accept the recommendations of the Corporation Counsel. Seconded by Mr. Gogliettino. Motion carried unanimously.

38 – Mr. Levy made a motion to accept the recommendations of the Corporation Counsel. Seconded by Mr. Machado. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made by Mr. Nolan at 9:06 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk