

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

RE: Minutes of the Common Council Meeting held March 5, 2002

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

PRESENT – Nolan, McAllister, Null, Kelly, Mazzuchelli, Buzaid, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Basso, Darius, Furtado, Gogliettino, Moore, Neptune

ABSENT – Dean Esposito, Gallagher

19 PRESENT - 2 ABSENT

PUBLIC SPEAKING

William J. Knight, 6 Jade Drive – Spoke on item 12, donation of surplus printers. He is passionate about education. The William J. Knight Foundation is not a religious organization. He also spoke in favor of item 34. Please make the changing of the name of Cherry Street to the Rev. Aaron B. Samuels Boulevard a priority.

David Brandon, 113 Park Avenue – He is the education chairman of NAACP. He agrees with Mr. Knight that we should think about the children when considering the surplus printers. Also, the change of street name is a good idea. Please consider this a matter of grave importance.

Lynn Waller, 83 Highland Avenue – Spoke about the donation of Mercer's Pond to the City. As with the Tarrywile Dam, will we have to pay the bill on this.

(At 7:40 P.M. Dean Esposito arrived and was marked present)

Barbara Joseph, 5 Patricia Lane – Feels that the name of Cherry Street should be renamed Rev. Aaron B. Samuels Boulevard

ANNOUNCEMENTS

Mayor Boughton introduced the members of the Yamin & Yamin Law Firm. They will be the new Corporation Counsel for the City.

MINUTES – Minutes of the Common Council Meeting held February 5, 2002. Mr. Levy made a motion to adopt the minutes as presented and waive the reading as all members have copies which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

CONSENT CALENDAR – John Esposito presented the following items for the Consent Calendar: 3, 4, 6, 8, 10, 13, 14, 15, 18, 24, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 53, 54, 55, 56, and 57.

Mr. Saadi made a motion to accept the Consent Calendar as presented. Seconded by Mr. Scozzafava. Motion carried unanimously.

1 – COMMUNICATION – Appointment to 7th Ward Common Council Seat

Letter from Republican Town Committee Chairman Wayne Baker and Recruitment Chairman Barry Connell offering the name of Christian Dittrich to fill the vacancy. Mrs. Basso made a motion to confirm the appointment of Christian Dittrich to fill the vacant 7th Ward Common Council seat. Seconded by Mr. Scozzafava. Motion carried unanimously.

2 – ORDINANCE – Creation of the Office of the Deputy Corporation Counsel. Mr. McAllister asked that this be referred to an ad hoc committee. Mayor Boughton so ordered and appointed Council Members Dean Esposito, Darius and Scozzafava to the committee.

3 – RESOLUTION – Department of Education Grant-in-Aid

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed seventy five thousand dollars (\$75,000) are available from the State of Connecticut Department of Education for 2002-2003 Youth Services Bureau operations; and

WHEREAS, the continuation of the Youth Services bureau for the twenty-fifth year is deemed to be in the best interest of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Mark D. Boughton as Mayor of the City of Danbury, in applying for these funds be and hereby are ratified and that Mayor Boughton be and hereby is authorized and directed to contract with the State of Connecticut Department of Education for a state cost sharing grant not to exceed \$75,000 for a Youth Service Bureau for the fiscal period commencing July 1, 2002.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all documents, applications or other pertinent instruments to this program.

The Resolution to apply for and accept grant funding in an amount not to exceed \$75,000 for Youth and Family Counseling, Crisis Intervention and Substance Abuse Prevention Program.

4 – RESOLUTION – Ives Trail at Rogers Park Pond

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury and the Rotary Club have been working cooperatively to establish an environmental education trail around Rogers Park Pond since 1996; and

WHEREAS, the City has restored the vitality of the pond ecosystem by dredging the bottom, creating lunge pools and drainage improvements and landscaping the shoreline; and

WHEREAS, the City of Danbury and the Rotary Club have constructed a handicap accessible walkway around the perimeter of the pool; and

WHEREAS, a short pedestrian bridge is needed to span the spillway to allow safe walk around the entire perimeter of the pond; and

WHEREAS, the cost of installation of such a prefabricated bridge is estimated to be approximately \$15,000.00; and

WHEREAS, the State of Connecticut is making such funds available through the Recreational Trails Grant Project.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Health Department to make application for Recreational Trails Funds to accomplish these objectives and authorizes Mark D. Boughton as Mayor, to enter into the Agreement with the State of Connecticut to receive these funds.

5 – RESOLUTION – Targeted Capacity Expansion TCE Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Department of Health and Human Services, through the Public Health Service, Substance Abuse and Mental Health Services Administration has made grant funds available to local government to provide additional services to alcohol and other drug dependent people and their

families to address gaps in treatment capacity for the period of September 30, 2002, through September 29, 2003; and

WHEREAS, for the time period of September 30, 2002 through September 29, 2003, grant funds not to exceed \$352,877.00 requiring no local match, will be made available to the Danbury Health and Housing Department for the Targeted Capacity Expansion Initiative, upon approval of a continuation grant application therefore; and

WHEREAS, the Danbury Health and Housing Department will provide these services to alcohol and other drug dependent people and their families, serving both residents and non-residents with no restrictions on who may be served.

NOW, THEREFORE, BE IT 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 the expenditure of City funds, with the Substance Abuse and Mental Health Services Administration regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

(At 7:55 P.M. Mr. Gallagher arrived and was marked present)

Mr. McAllister made a motion to receive the communication and approve the grant as outlined. Seconded by Mr. Gogliettino. Motion carried unanimously.

6 – RESOLUTION – FEMA Funds – Homeless Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) has awarded \$1,593.38 to the City of Danbury, of which \$796.69 is to be used to purchase supplies and \$796.69 is to be used to provide shelter; and

WHEREAS, the Homeless Shelter is desirous of accepting these funds and using them for these purposes;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to accept said funds and to execute any agreements or other documents necessary to effectuate the purposes of this award.

The Resolution to accept a \$1,593.38 award from FEMA for the Homeless Shelter was adopted on the Consent Calendar.

7 – RESOLUTION – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2002 AND ENDING JUNE 30, 2003

SECTION 1. The sum of One Hundred Thirty Five Thousand, Eight Hundred Dollars (\$135,800.00) representing the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Five Thousand, Eight Hundred Dollars (\$135,800.00) for the fiscal year beginning July 1, 2002 and ending June 30, 2003, plus uncollectible taxes reserve in the amount of \$11,444.00 and minus indirect revenues of \$-0-, and minus estimated available “Surplus” of \$-0-, is hereby levied and assessed on all

taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the new tax assessment dated October 1, 2001 based upon a total net assessment of \$72,373,500.00.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 2002 and ending June 30, 2003 with respect to said property interests within said District shall be as follows:

TAX RATE: 2.0345 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in quarterly equal installments on July 1, 2002, October 1, 2002, January 1, 2003 and April 1, 2003 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 2002, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date has not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 2002 and ending June 30, 2003.

Mr. Gallagher made a motion to receive the communication and adopt the Resolution. Seconded by Mrs. Basso. Motion carried unanimously.

8 – RESOLUTION – Urban Parks Small Wildlife Habitat Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut has made funding available for the planting of vegetation around urban ponds for the purpose of enhancing the wildlife habitat and to promote nature appreciation and education to the public through the “Urban Parks Small Wildlife Habitat Project; and

WHEREAS, the City of Danbury has been restoring the environment functions of wildlife habitat and environmental education of the Rogers Park Pond; and

WHEREAS, the pond shoreline is in need of further landscaping and beautification to promote its completion and opening to the public;

WHEREAS, the State of Connecticut DEP grant would provide up to \$2,000 for the purpose of providing vegetative cover that is specified in the grant proposal.

NOW, THEREFORE BE IT RESOLVED, that the Danbury Health Department is hereby authorized to make application to the State of Connecticut for said funding and Mark D. Boughton, as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to execute this grant, if awarded.

The Resolution to apply for and accept funding in the amount of \$2,000 for Rogers Park Pond landscaping was adopted on the Consent Calendar.

9 – RESOLUTIONS – Tarrywile Park Dam

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has received an order from the State of Connecticut Department of Environmental Protection to repair the Tarrywile Lake Dam; and

WHEREAS, the City is in the process of obtaining authority to execute certain funding agreements with the CTDEP for purposes of designing, repairing and maintaining the Dam; and

WHEREAS, in order to accomplish the work required, certain easements will need to be acquired, either by negotiation or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBIT A attached hereto, in accordance with procedures established in State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any by September 5, 2002.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Environmental Protection, pursuant to an earlier agreement with the City of Danbury dated January 18, 2001 funded eligible costs of design and engineering of the Tarrywile Lake Dam; and

WHEREAS, the CTDEP has proposed partial funding of construction and project administration costs for the repair of the Dam, in accordance with a proposed Agreement providing for reimbursement of a portion of said costs; and

WHEREAS, subsequent to the construction and project administration work, the City of Danbury intends to operate and maintain the Dam, and the CTDEP intends to provide consultation toward said operation and maintenance; and

WHEREAS, it is not expected that any funding assistance will be provided by the CTDEP with respect to any costs associated with said operation or maintenance.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury, acting as the Flood and Erosion Control Board pursuant to Section 2-38 of the City of Danbury Code of Ordinances, hereby and specifically designates and authorizes Mayor Mark D. Boughton to execute, and act on its behalf with respect to an agreement entitled AGREEMENT FOR OPERATION AND MAINTENANCE, TARRYWILE DAM REPAIR PROJECT, DANBURY, CONNECTICUT and such other and related documents as may be required for the purposes of said project.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the CTDEP, pursuant to an earlier agreement with the City of Danbury dated January 18, 2001, funded eligible costs of design and engineering of the Tarrywile Lake Dam; and

WHEREAS, the State of Connecticut Department of Environmental Protection has proposed to fund, through reimbursement, fifty-one (51%) percent of the total cost of construction and project administration services required to make repairs to the Dam; and

WHEREAS, the City of Danbury is desirous of repairing the dam and obtaining said grant funds is assisting in doing so.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury, acting as the Flood and Erosion Control Board pursuant to Section 2-38 of the City of Danbury Code of Ordinances, hereby and specifically designates Mayor Mark D. Boughton to execute and act on its behalf with respect to, and agreement entitled AGREEMENT FOR CONSTRUCTION, TARRYWILE DAM REPAIR PROJECT, DANBURY, CONNECTICUT and such other documents as may be required for the purposes of said project.

Mr. Levy made a motion to receive the communications and authorize the adoption of the resolutions. Seconded by Mr. Scozzafava. Motion carried unanimously.

10 – RESOLUTION – Blueberry Lane, Maple Glen Trailer Park

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in the year 2000, because of significant well pollution problems, the United States Environmental Protection Agency required the Maple Glen Trailer Park to connect to the City of Danbury water system and disconnect its well; and

WHEREAS, at its April 4, 2000 meeting the Common Council approved the water main extension in Blueberry Lane from Old Ridgebury Road to the trailer park site; and

WHEREAS, the Common Council voted at its September 6, 2000 meeting to accept the water main extension and allow the trailer park residents access to City water; and

WHEREAS, the owners of record of Blueberry Lane, as identified in land records dating back to 1940, cannot be located; and

WHEREAS, acquisition of an easement in Blueberry Lane covering the water main as extended is in the best interests of the City of Danbury; and

WHEREAS, it will be necessary to acquire said interest in and to real property as set forth in the Schedule attached hereto, containing the legal description of the property involved; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said property upon the amount, if any, to be paid for their respective interests to be taken in and to the real property listed on said Schedule.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as set forth in the attached legal description, on or before October 1, 2002, either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

The resolution was adopted on the Consent Calendar and referred to the Planning Commission.

11 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$150 for the use of the Senior Center. Mr. Moore made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

12 – COMMUNICATION – Donation of Surplus Computer Printers

Letter from Director of Finance Dominic Setaro recommending that 26 surplus printers from the Danbury Library be transferred to the William J. Knight Foundation. Mr. Saadi made a motion to receive the communication and authorize the transfer of the surplus printers to the William J. Knight Foundation. Seconded by Ms. Neptune. Motion carried unanimously.

13 – COMMUNICATION & CERTIFICATION – Funds for March 5th Primary

Request from the Registrars of Voters for funds in the amount of \$2,300 to cover the costs of the March 5th Democratic Town Committee Primary. A certification of fund was attached. The transfer of funds was authorized on the Consent Calendar.

14 – COMMUNICATION – Appointment of Independent Auditors

Letter from Director of Finance Dominic Setaro recommending the appointment of McGladrey & Pullen as our City auditors. The request to appoint McGladrey & Pullen as City auditors was approved on the Consent Calendar.

15 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director Elderly Services Leo McIlrath that the sum of \$761 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.

16 – COMMUNICATION & CERTIFICATION – Litigation Expenses

Letter from Corporation Counsel Robert Yamin requesting that the sum of \$118,500.00 be transferred to the Corporation Counsel for litigation expenses. A certification of funds was attached. Mr. Saadi made a motion that this item be moved to the end of the agenda. Seconded by Mr. Darius. Motion carried unanimously.

17 – COMMUNICATION – Magnet School

Mr. McAllister asked that this be referred to an ad hoc committee. Mayor Boughton so ordered and appointed Council Members Furtado, Neptune and Nolan to the committee.

18 – COMMUNICATION – Fire Department Special Services Account

Request from Fire Chief Peter Siecienski that the sum of \$5,000 be transferred into the Fire Department Special Services Account. The transfer of funds was authorized on the Consent Calendar.

19 – COMMUNICATION – Engine 25, New Facility Construction

Mr. McAllister asked that this be referred to an ad hoc committee, the Fire Chief, the Director of Public Works. Mayor Boughton so ordered and appointed Council Members Gallagher, Machado and Nolan to the committee.

20 – COMMUNICATION – Amendment to Section 2-95 of the Code of Ordinances

Mr. Nolan asked that this be referred to an ad hoc committee. Mayor Boughton so ordered and appointed Council Members Nolan, Scozzafava and Dean Esposito to the committee.

21 – COMMUNICATION – Request for an ad hoc committee to investigate the ice rink.

Mr. McAllister asked that this be referred to an ad hoc committee. Mayor Boughton so ordered and appointed Council Members Levy, John Esposito, Saadi, Nolan and Null to the committee.

22 – COMMUNICATION – Neighborhood Blight

Mr. Machado asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Moore, Neptune and Basso to the committee.

23 – COMMUNICATION – Request for an Ad Hoc Committee to study Advertising Banners

Mr. Darius asked that this be referred to an hoc committee, the Corporation Counsel, a representative of CityCenter and a representative of the Banner Company. Mayor Boughton so ordered and appointed Council Members Saadi, Buzaid and Nolan to the committee.

24 – COMMUNICATION – Request for Waiver of Utility Bills

The communication was received on the Consent Calendar and no action taken.

25 – COMMUNICATION – Road Widening – 85 and 93 Lake Avenue

Mr. Moore asked that this be referred to the Corporation Counsel and the City Engineer for reports back with thirty days. Mayor Boughton so ordered.

26 – COMMUNICATION – Construction of T Hangers

Mr. McAllister asked that this be referred to an ad hoc committee, the Corporation Counsel, the Airport Administrator, the Director of Finance and the Planning Commission. Mayor Boughton so ordered and appointed Council Members McAllister, Mazzuchelli and Scozzafava to the committee.

27 – COMMUNICATION – Request for Ordinance regarding the Regulation of Fences

Mr. Saadi asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Boughton so ordered.

28 – COMMUNICATION – Request for Sewer and Water Extensions, 113 and 115 Clapboard Ridge Road

Mr. Moore 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 Shuler, Null and Dittrich to the committee.

29 – COMMUNICATION – Offer to sell Land on Ford Avenue to the City of Danbury

Mr. McAllister asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Boughton so ordered.

30 – COMMUNICATION – Request for Sewer and Water Extension – Pembroke Road

Mrs. Basso asked that this be referred to an ad hoc committee, the Director of Public Works, Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members McAllister, Null and Dittrich to the committee.

31 – COMMUNICATION – Donation of Mercer's Pond Property

Dean Esposito asked that this be referred to the Corporation Counsel and the Director of Public Works for reports back within thirty days. Mayor Boughton so ordered.

32 – COMMUNICATION – Request to Purchase Land at 31 Middle River Road

Mr. Moore asked that this be referred to the Director of Public Works for a report back within thirty days. Mayor Boughton so ordered.

33 – COMMUNICATION – Request for Payment of Damages, 60 West Wooster Street

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

34 – COMMUNICATION – Reports regarding Renaming of Cherry Street to Aaron B. Samuels Boulevard. The reports were referred on the consent calendar to the Planning Department for the normal survey process for a change of street name.

35 – COMMUNICATION – Reports regarding Post Office Street Ground Lease

The request to transfer the assignment of Post Office Street Ground Lease from Groveland Corporation to Maria DaSilva and the Estate of Joseph DaSilva was approved on the Consent Calendar.

36 – COMMUNICATION – Reports regarding Road Widening Parcels on Bear Mountain Road

The acceptance of two road widening parcels of land along Bear Mountain Road subject to conditions as described was approved on the Consent Calendar.

37 – COMMUNICATION – Report regarding request to Purchase Property at 24 North Street

The communication was received on the Consent Calendar and no action taken at this time.

38 – COMMUNICATION – Reports regarding Sanitary Sewer Extension – Alexander D Avenue

The reports were received on the Consent Calendar, no action taken, and referred to the Fourth Ward Council Members.

39 – REPORT & ORDINANCE – Septage Treatment Rules, Regulations and Fees

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole at 7:35 P.M. on February 25, 2002 in the Common Council Chambers in City Hall.

Mr. Levy asked the Director of Public Works William Buckley for comment on the ordinance. Mr. Buckley stated that the ordinance deals with the rate charged for septage from outside the region. The rate charged is established by ordinance. This ordinance is proposing a higher rate. The contract calls for a cost sharing and sharing of profits with U. S. Filter. The ordinance will allow the City to make the same amount of money which slowing down the amount of septage coming in.

John Esposito asked Mr. Buckley to define emergencies. Mr. Buckley stated that if someone called at 7:00 P.M. or on a Sunday, they would be let in, but that would be defined as an emergency situation. Mr. Darius asked why we would want to slow down septage coming in. Mr. Buckley stated that septage coming in on trucks is much more contaminated.

Mr. Saadi made a motion to recommend adoption of the ordinance to the full Common Council. Seconded by Mr. Moore. Motion carried unanimously.

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

THAT subdivision (4) of Subsection 16-14(c) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-14. Septage treatment rules, regulations and fees.

c. Disposal procedures:

(4) The septic waste disposal area at the Danbury Sewage Treatment Facility shall be open during such times and shall be subject to such reasonable regulations as may be established by the superintendent of public utilities to ensure the safe, sanitary and efficient operation of said facility. A schedule of daily hours of operation shall be posted at the Danbury Department of Public Works and at the Danbury Sewage Treatment Facility. The superintendent of public utilities shall establish procedures for handling emergencies requiring immediate use of the Danbury Sewage Treatment Facility. In such cases of emergency a fee of one hundred dollars (\$100.00) shall be charged in addition to the regular disposal fee.

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

THAT Subsection 16-14(f) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

SEC. 16-14. Septage treatment rules, regulations and fees.

(f) Fees. Fees for the disposal of septage at the Danbury Sewage Treatment Facility shall be calculated in accordance with the further provisions hereof. The fee for the disposal of septage that originates from within the municipalities of Danbury, Bethel, Brookfield, New Fairfield, Redding, Newtown or Bridgewater shall be calculated in accordance with the formula described in Schedule A of the "Interlocal Agreement for Disposal of Septage Waste," dated November 6, 1984, among the City of Danbury and the towns of New Fairfield, Redding, Newtown, Bridgewater and Brookfield. The fee for the disposal of septage that originates from other locations shall be equal to one hundred and fifty percent (150%) of the fee calculated in accordance with said formula.

The report was received and the ordinance amendment adopted on the Consent Calendar.

40 – REPORT – Kenosia Avenue Pump Station and Force Main – Final Assessments

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on February 25, 2002 at 7:35 P.M. in the Common Council Chambers in City Hall.

Mr. Saadi made a motion to recommend the adoption of the final assessments. Mr. Moore seconded the motion. Mrs. Basso asked if the City pays the \$340,000. Mr. Buckley said it is an assessment to the property owner. Motion carried unanimously.

The report was received and the final assessment adopted on the Consent Calendar.

41 – REPORT – 15 Lakeside Road Final Assessment

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on February 25, 2002 at 7:35 P.M. in the Common Council Chambers in City Hall.

Mr. Saadi made a motion to recommend adoption of the final assessment. Seconded by Mr. Darius. Motion carried unanimously.

The report was received and the final assessment, payable in installments, was adopted on the Consent Calendar.

42 – REPORT – Sanitary Sewer Extension – Windaway Road Final Assessments

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on February 25, 2002 at 7:35 P.M. in the Common Council Chambers in City Hall.

Mr. Saadi made a motion to recommend adoption of the final assessments. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received and the final assessments adopted on the Consent Calendar.

43 – REPORT – Sanitary Sewer Assessments – Kenosia Park Area Preliminary Assessments

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on February 25, 2002 at 7:35 P.M. in the Common Council Chambers in City Hall.

Mr. Saadi made a motion to recommend that the project be approved. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received on the Consent Calendar and continuation of the project approved.

44 – REPORT – Request for Sewer Extension- Oil Mill Road

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Oil Mill Road met on February 27, 2002 at 7:15 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Shuler, Machado and Scozzafava. Also in attendance were Director of Public Works William Buckley, the petitioner Anthony James and Council Member Pauline Basso, ex-officio.

Mr. James pointed out, on a map, where the extension would run. Mr. Buckley stated that the extension would be approximately 85 feet and he would recommend approval subject to the required eight steps.

Mr. Machado made a motion to recommend approval of the request for sewer extension on Oil Mill Road subject to the required eight steps. Seconded by Mr. Scozzafava. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendations approved.

45 – REPORT – Request for Funds for the Library

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the request for funds for the library met on February 27, 2002 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Furtado and Buzaid. Also in attendance were Director of Finance Dominic Setaro, Library Director Betsy McDonough and Council Members Warren Levy and Pauline Basso, ex-officio.

Mr. Nolan stated that Council Member John Gogliettino made this request. There is no specific request on the table. He asked Ms. McDonough for a synopsis of her needs and concerns. Ms. McDonough stated that in her last budget request, she asked for \$135,000 for adult books, films and audio books. Mayor Eriquez felt that the 1996 fire money would be sufficient to cover this request. At a committee meeting last fall she was told that it was too early in the budget year to grant this request. As of January 20th she is no longer purchasing books. This request is for \$54,000 in additional funds.

Mr. Setaro stated that it is his understanding that the Mayor would be willing to fund this request in the amount of \$27,500 from the Snow and Ice account. There is \$90,000 left in that account.

Mr. Buzaid made a motion to refer this item to the Common Council as a committee of the whole. Seconded by Mr. Furtado.

Mr. Furtado asked, if after thirty days, would the Common Council be able to appropriate a sum closer to the requested amount. Mr. Setaro said that there are other expenses that will occur before June 30th.

Motion carried unanimously.

The report was received on the Consent Calendar and referred to a committee of the whole.

46 – REPORT – Request for Sewer Extension – Scuppo Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Scuppo Road met on February 27, 2002 at 7:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado and Scozzafava. Also in attendance were Director of Public Works William Buckley, Attorney Robin Kahn, Ron George and Council Member Connie Shuler, ex-officio.

Mr. Machado stated that he had received a positive Planning Commission report. Mr. George stated that this is a 305-foot extension. They have engineering approval, contingent upon Common Council approval. Mr. Buckley stated that he would recommend approval subject to the required eight steps.

Mr. Scozzafava made a motion to recommend approval of the sewer extension on Scuppo Road subject to the required eight steps. Seconded by Mr. Machado. Motion carried unanimously.

The report was received and its recommendations approved on the Consent Calendar.

47 – COMMUNICATION – Pending Litigation

Mr. Gogliettino made a motion to refer this item to the end of the agenda for executive session. Seconded by Mr. Gallagher. Motion carried unanimously.

48 – DEPARTMENT REPORTS – Department of Elderly Services, Fire Chief, Police Chief, Fire Marshall, Public Works, Health and Housing

Mr. Levy made a motion that the department reports be received and the reading waived as all members have copies which are on file in the clerk's office for public inspection. Seconded by Mr. Darius. Motion carried unanimously.

49 – REPORT – Cornell Hills Tax District

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request of the Cornell Hills Tax District met on January 30, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members McAllister and Basso. Mr. Saadi was absent. Also in attendance were Director of Public Works William Buckley, Council Members Nolan and Scozzafava, ex-officio and several members of Cornell Hills.

Mr. McAllister read the positive Planning Commission report for the record. He said that surveys previously done in this area have generally come back negative. The last request in 1998 has not yet been conducted. This is due to a backlog of all requests. This area is already on the project list. It was asked if Hunter Road was included on any previous request. Mr. Buckley did not know.

Mrs. Basso made a motion to add Hunter Road to the 1998 petition if it has not been included and to approve this petition if it has not already been approved. Seconded by Mr. McAllister. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendations approved.

50 – COMMUNICATION – Request to Purchase City Land on Overlook Drive

Mr. Darius asked that this be referred to the Corporation Counsel, the Director of Public Works and the Director of Planning for reports back within thirty day. Mayor Boughton so ordered.

51 – COMMUNICATION – Appointment of Conflicts Counsel

Letter from Mayor Boughton requesting confirmation of Attorney George Sakellares as Conflicts Counsel. Mr. Nolan made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

52 – COMMUNICATION – Appointment of Assistant Corporation Counsel

Letter from Mayor Boughton requesting confirmation of Attorney Vicki H. Hutchinson as Assistant Corporation Counsel. Mr. Nolan made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

53 – COMMUNICATION – Appointment to the Conservation Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Richard J. Hale to the Conservation Commission for a term to expire July 1, 2003. The appointment was confirmed on the Consent Calendar.

54 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Craig D. Westney to the Environmental Impact Commission for a term to expire December 1, 2004. The appointment was confirmed on the Consent Calendar.

55 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Boughton requesting confirmation of the appointment of David Furtado to the Environmental Impact Commission for a term to expire December 1, 2003. The appointment was confirmed on the Consent Calendar.

56 – COMMUNICATION – Appointment to the Candlewood Lake Authority

Letter from Mayor Boughton requesting confirmation of the appointment of Edward R. Siergiej to the Candlewood Lake Authority for a term to expire April 1, 2005. The appointment was confirmed on the Consent Calendar.

57 – COMMUNICATION – Appointment to the Commission on Aging

Letter from Mayor Boughton requesting confirmation of the appointment of Judge Dianne Yamin to the Commission on Aging for a term to expire October 1, 2005. The appointment was confirmed on the Consent Calendar.

Mr. Gallagher made a motion to enter into executive session at 8:26 P.M. Seconded by Mr. Levy. Motion carried unanimously.

At 9:40 P.M. the Common Council reconvened in open session.

16 – Mr. Gallagher made a motion to accept the correspondence and appropriate the sum of \$15,000 to the Outside Services account and \$103,500 to supplement the Litigation Special account, pending certification. Seconded by Mr. Furtado. Motion carried unanimously.

47 – Mr. Saadi made a motion to approve the settlement to Pavarini and subcontractor Buconn in the amount of \$825,000 pending certification. Seconded by Ms. Neptune. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion to adjourn was made at 9:45 P.M. by Mr. Gogliettino.

Respectfully submitted,

JIMMETTA L. SAMAHA
Assistant City Clerk