

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

RE: Minutes of the Common Council Meeting held April 2, 2002

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

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

ABSENT – Dean Esposito, Gallagher, Neptune

18 PRESENT – 3 ABSENT

### **PUBLIC SPEAKING**

Lynn Waller, 83 Highland Avenue – spoke on behalf of Ruth Russell. Against sewers on Glen Road

(At 7:34 P.M. Mr. Gallagher arrived and was marked present)

Maria Guariglia, 29 Woodbury Drive – Against sewers on Woodbury Drive

Barbara Joseph, 5 Patricia Lane – Asked what the process on renaming Cherry Street would be.

Rich Oldham, Hawley Road – Against the sewer project on Great Plain Road

Karen Messina, 20 Cherry Street – She is concerned about changing the name of Cherry Street. Perhaps Division Street should be renamed.

(At 7:40 P.M. Dean Esposito and Ms. Neptune arrived and were marked present)

Mayor Boughton delivered his budget address at this point in the agenda.

MINUTES – Minutes of the Common Council Meeting held March 5, 2002. Mr. Levy made a motion to approve 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:

4 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Office of Policy and Management in the amount of \$80,000 for The Safe Neighborhood Program

5 – Adopt the Resolution to commence the process of statutory filing, notification and actual assessment of Kenosia Avenue Pump Station and Force Main Sanitary Sewer

6 – Adopt the Resolution to commence the process of statutory filing, notification and actual assessment of 15 Lakeside Road Sanitary Sewer

7 – Adopt the Resolution to commence the process of statutory filing, notification and actual assessment of Windaway Road Sanitary Sewer

9 – Adopt the Amended Resolution, which will increase the EPA grant to \$55,162 for the Barnum Court property

10 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Department of Public Health in the amount of \$9,000 for the Preventive Oral Health Care

- 11 – Adopted a revised Resolution for the Connecticut Department of Environmental Protection to extend the America the Beautiful grant period to June 30, 2002
- 12 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Office of Policy and Management in the amount of \$490,000 for Drug Enforcement pursuant to Public Act 89-390
- 13 – Approve the appointment of Thomas Vecchiarino to the Parks & Recreation Commission
- 17 – Approve the transfer of \$769 from the Elderly Services Donations Account to the Commission on Aging budget as described
- 18 – Approve the transfer of \$3,700 from the Snow & Ice Removal Overtime Salaries line item account to the Ordinances budget as described
- 19 – Approve additional appropriations in the Town Clerk’s budget by amending the appropriation and revenue accounts in like amounts as described
- 20 – Approve banks and other qualified financial institutions for municipal deposit as required by State Statutes and City Charter as listed
- 23 – Approve the transfer of \$6,000 from the Police Department Regular Salaries line item account to the Animal Control Contributions Grant line item and adjust the Animal Control Budget.
- 25 – Approve payment of \$3,578 to Cioffoletti Construction Co., Inc. as described
- 28 – Approve Mariana Farms Drive as a City Street subject to conditions as described
- 29 – Authorize Corporation Counsel to acquire permanent and temporary construction easements for Kenosia Park Sanitary Sewer project subject to a positive recommendation of the Planning Commission
- 33 – Postpone the rename of Cherry Street
- 34 – Approve acceptance of a parcel of land for road widening and sight line easement at 85 & 93 Lake Avenue as described
- 35 – Receive the report on fences and refer to the Zoning Commission and 5<sup>th</sup> Ward council Members
- 36 – Take no action regarding offer to sell property on Ford Avenue
- 37 – Take no action regarding donation of Mercers Pond Property
- 38 – Take no action regarding request to purchase land on Middle River Road
- 39 – Take no action regarding request to purchase land on Overlook Drive
- 40 – Receive a report regarding the creation of an Office of Deputy Corporation Counsel Ordinance and refer to public hearing
- 41 – Receive a report regarding funds for the Library Books line item and approve the appropriation of \$40,000
- 42 – Receive a report regarding a contract for decorative banners and approve the recommendation
- 43 – Receive the report regarding immigration needs and approve the recommendation subject to certification of funds

44 – Receive the report regarding the silo at Tarrywile Park and take no action at this time

45 – Receive the report regarding Hawthorne Cove Address Designation and approve the recommendation

46 – Receive a report regarding the sewer extension on Broad Street and take no action at this time

47 – Receive the progress report regarding an amendment to Section 2-95 of the Code of Ordinances

Mr. Saadi made a motion to adopt the Consent Calendar as read, except for the deletion of item 42. Seconded by Mrs. Basso. Motion carried unanimously.

BUDGET ITEMS – Mr. Levy made a motion to defer budget items A-H to public hearings and to the appropriation budget committees. Mayor Boughton so ordered.

1 – RESOLUTION – Blind Brook Neighborhood Playground

Mr. Machado asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Planning Commission and a representative of Blind Brook. Mayor Boughton so ordered and appointed Council Members Machado, Shuler and Basso to the committee.

2 – RESOLUTION – School Building Committee

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council of the City of Danbury hereby establishes and reestablishes a building committee consisting of William J. Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Dean Esposito, Joseph Scozzafava, George O’Loughlin, Bobby Poole, Eileen Alberts, Ellen Morelock, H. David Sabel, John R. Mitchell, Dana Brisson, Anthony Paivo and John Goetz as the Building Committee with respect to the construction of the Magnet School formally known as the Western Connecticut Academy of International Studies as well as those school projects funded pursuant to bond authorizations approved by the voters and electors of the City of Danbury on November 2, 1999 and November 6, 2001, known respectively as the “Vision 21” and “Vision 21 ‘squared”” bond issues; and

WHEREAS, the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file applications for 100% State funding for a Magnet School to be built on 7,026 acres of land at the Western Connecticut State University Westside Campus and for applicable State funding with respect to the other school projects referenced herein; and

WHEREAS, the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned projects.

Mr. Furtado made a motion to receive the communication, adopt the Resolution and refer it to the Magnet School ad hoc committee. Seconded by Mr. Gogliettino. Motion carried unanimously.

3 – RESOLUTION – Proposed Acquisition of 9 Bank Street

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to undertake the construction of a parking lot to serve the patrons of the Danbury Public Library; and

WHEREAS, in order to accomplish the work, a site must be acquired; and

WHEREAS, a site known as 9 Bank Street has been identified as an appropriate site for said lot; and

WHEREAS, funding in an amount sufficient to cover the acquisition of said site was approved as part of the bond issue approved by the voters on November 6, 2001; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said site, either by negotiation or, if negotiations are unsuccessful, by eminent domain, and proceed with the work.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the site, as more particularly described in Exhibit A attached hereto, in accordance with procedures established in State law, either by negotiation or by eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the property, if any, on or before October 1, 2002.

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

#### 4 – RESOLUTION – Safe Neighborhood Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make Available to the City of Danbury Police Department additional funds in the amount of \$80,000 as remainder funds to its existing grant for the Safe Neighborhood Program; and

WHEREAS, said award will cover the period of July 1, 2002 through June 30, 2003 with no local cash match; and

WHEREAS, said grant will subsidize 10 police officers positions at \$80,000 thus allowing increased police presence in targeted neighborhoods, especially in areas where there has been increased firearms use.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton and Chief Robert Paquette or his authorized represented are hereby empowered to accept funds and the Mayor is further authorized to execute any contracts/agreements therefore and to do all things necessary to effectuate the purposes hereof.

The Resolution to apply for and accept grant funding from the State of Connecticut Office of Policy and Management in the amount of \$80,000 for the Safe Neighborhood Program was adopted on the Consent Calendar.

#### 5 – RESOLUTION – Kenosia Avenue Pump Station and Force Main Sanitary Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Kenosia Avenue Pump Station and Force Main; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearings, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment as assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before June 1, 2002, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Kenosia Avenue Pump Station and Force Main:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Seventeen Thousand Nine Hundred Forty-Five Dollars and Eleven Cents (\$17,945.11)
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.85 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessments shall be filed in the Town Clerk's Office on April 5, 2002. An appeal to the Superior Court from such assessment must be taken within 21 days of such filing.

The Resolution to commence the process of statutory filing, notification and actual assessment of Kenosia Avenue Pump Station and Force Main Sanitary Sewer was adopted on the Consent Calendar.

#### 6 – RESOLUTION – 15 Lakeside Road Sanitary Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the 15 Lakeside Road Sanitary Sewer; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before June 1, 2002, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the 15 Lakeside Road Sanitary Sewer:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Five Hundred Twenty-Six Dollars and Thirty-Two Cents (\$526.32) DOLLARS.
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.85 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessment shall be filed in the Town Clerk's Office on April 5, 2002.

The Resolution to commence the process of statutory filing, notification and actual assessment of 15 Lakeside Road Sanitary Sewer was adopted on the consent Calendar.

#### 7 – RESOLUTION – Windaway Road Sanitary Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Windaway Road Sanitary Sewer; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Windaway Road Sanitary Sewer:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Five Hundred Ninety-Nine Dollars and Seventy-One Cents (\$599.71) DOLLARS.

3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.85 percent. Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessment shall be filed in the Town Clerk's Office on April 5, 2002. An appeal to the Superior Court from such assessment must be taken within 21 days of such filing.

The Resolution to commence the process of statutory filing, notification and actual assessment of 15 Lakeside Road Sanitary Sewer was adopted on the Consent Calendar.

8 – WITHDRAWN

9 – RESOLUTION – Environmental Protection Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Danbury Common Council passed a resolution in November, 2000 that authorized the Health Department to make application for a \$50,000 grant from the Environmental Protection Agency (EPA); and

WHEREAS, the Danbury Health Department applied for funding from the Environmental Protection Agency (EPA) in January 2001 for a \$50,000 phytoremediation demonstration project on the City owned property on Barnum Court; and

WHEREAS, the EPA has recently informed the City of Danbury its intent to award this grant with the opportunity for providing \$55,162 which is \$5,162 more than the City applied for;

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes Mayor Mark D. Boughton to execute any and all agreements with the Environmental Protection Agency related to funding for the phytoremediation demonstration project that the Danbury Health Department applied for in January 2001 for up to \$55,152 for this grant.

The Amended Resolution which will increase the EPA grant to \$55,162 for the Barnum Court property was adopted on the Consent Calendar.

10 – RESOLUTION – Preventive Health Oral Health Care

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$9,000.00; and

WHEREAS, the grant will cover the period of March 15, 2002 through September 30, 2002 with no local in kind match; and

WHEREAS, the funding will be used for a community oral health needs assessment in the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded;

AND, FURTHER, Mayor Mark D. Boughton is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

The Resolution to apply for and accept grant funding from the State of Connecticut Department of Public Health in the amount of \$9,000 for Preventive Oral Health Care was adopted on the Consent Calendar.

#### 11 – RESOLUTION – America the Beautiful Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Division of Forestry has made an America the Beautiful Grant available, and;

WHEREAS, the City of Danbury has been a recipient of the Tree City USA award for the past nine (9) years; and

WHEREAS, the City's objective is to preserve and encourage the benefit of trees in our community and implement a program of tree planting that continually demonstrates that commitment; and

WHEREAS, the City of Danbury will receive a grant of \$3,000 with a local, in-kind match value of \$3,000.00 to be provided by the Parks and Recreation Department; and

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to apply for and accept said grant, and execute such documents and take such action as may be necessary in order to accomplish the purposes thereof.

The revised Resolution for the Connecticut Department of Environmental Protection to extend the America the Beautiful grant period to June 30, 2002 was approved on the Consent Calendar.

#### 12 – RESOLUTION – Drug Enforcement Grant #14

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management will make available to the City of Danbury grant funding in the amount of \$490,000.00 pursuant to Public Act 89-390, an act concerning prevention and treatment of substance abuse and enforcement of drug laws; and

WHEREAS, 50% of the funding, or \$245,000.00 is to be designated for law enforcement, 40% of the total amount, or \$196,000 is to be applied to drug education, and the remaining 10%, or \$49,000 is to be used for crime prevention programs; and

WHEREAS, the grant period is effective July 1, 2002 through June 30, 2003 and no local cash match is required;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for said grant on behalf of the City of Danbury, to accept the grant award, if made, subject to the terms and conditions established in connection therewith by the State of Connecticut, to execute any contracts/agreements therefore and to take any additional actions necessary to effectuate the purposes hereof.

BE IT FURTHER RESOLVED THAT any past actions of Mayor Mark D. Boughton to effectuate the purposes of this grant award are hereby ratified.

The Resolution to apply for and accept grant funding from the State of Connecticut Office of Policy and Management in the amount of \$490,000 for Drug Enforcement pursuant to Public Act 89-390 was adopted on the Consent Calendar.

13 – COMMUNICATION – Appointment to the Parks and Recreation Commission

Letter from Mayor Mark D. Boughton requesting the confirmation of Thomas Vecchiarino to the Parks and Recreation Commission for a term to expire July 1, 2004. The communication was received and the appointment confirmed on the Consent Calendar.

14 – COMMUNICATION – Donations to the Library

Request from Library Director Betsy McDonough for authorization to accept a donation in the amount of \$50 from Chantal D. Weller for the BOOKS-CHILDREN line item. Mrs. Basso made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Darius. Motion carried unanimously.

15 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath for authorization to accept donations in the total amount of \$275 for the use of the Danbury Senior Center. Mr. Nolan made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

16 – COMMUNICATION – Donation – Tree Planting

Request from Director of Parks and Recreation Director Robert Ryerson for authorization to accept a check in the amount \$100 from Leo and Lucy Brancato for the purchase of a flowering tree to be planted during Arbor Week. Mr. Gogliettino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Dittrich. Motion carried unanimously.

17 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services requesting the transfer of funds in the amount of \$769 from the Elderly Services donations account to the Commission on Aging budget for the Professional Service Fees account. A certification of funds was attached. The transfer of \$769 from the Elderly Services Donation Account was authorized on the Consent Calendar.

18 – COMMUNICATION & CERTIFICATION – Funds for the Ordinance and Legal Notices Accounts

Request that the sum of \$3,700 be transferred to the Ordinance and Legal Notices Account to cover the remainder of the fiscal year. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

19 – COMMUNICATION – Funds for Town Clerk's Office

Request that the sum of \$43,000 be transferred to the Town Clerk's Outside Services Account from the Town Clerk's Revenue Line Item, Town Clerk's Fees Account and that the sum of \$4,000 be transferred to the Town Clerk's Part Time Salaries Account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

20 – COMMUNICATION – Accepted Banks for Municipal Funds

Request from Director of Finance Dominic Setaro that the following banks or qualified financial institutions be approved for municipal deposit: Bank of Boston Connecticut, Banker's Trust, Citizen's Bank, Fleet Bank, First Union, J. P. Morgan Chase, Municipal Investors Services Corporation, Peoples Bank, Savings Bank of Danbury, State Street Bank & Trust, Union Savings Bank and

Webster Bank. The banks and other qualified financial institutions for municipal deposit as required by State Statutes and City Charter as listed were approved on the Consent Calendar.

#### 21 – COMMUNICATION – LoCIP 2001-2002 Application

Request from Director of Finance Dominic Setaro for approval of projects that are part of the City's 5-year Capital Plan and total \$491,317 so that we may forward the list of projects to the State for its approval. Mr. Levy made a motion to receive the communication and approve the list of projects totaling \$491,317. Seconded by Mr. Nolan. Motion carried unanimously.

#### 22 – COMMUNICATION – Sale of General Obligation Bonds

##### RESOLUTION WITH RESPECT TO THE ISSUANCE AND SALE OF \$12,745,000 CITY OF DANBURY GENERAL OBLIGATION BONDS

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. \$1,062,000 of the \$1,300,000 unissued balance of the \$14,900,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Making Appropriations Aggregating \$14,900,000 For Various Public Improvements (The Cityworks 2000 Program) And Authorizing the Issue Of \$14,900,000 Bonds of the City to Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on July 2, 1996 and approved by the electors at a referendum on November 5, 1996 shall bear an original issue date of May 15, 2002 and mature \$54,350 on May 15 in each of the years 2003-2012, both inclusive, \$52,350 on May 15 in each of the years 2013-2021, both inclusive, and \$47,350 on May 15, 2022.

Section 2. \$380,000 of the \$1,689,090 unissued balance of the \$2,500,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$2,500,000 For Sewer Service Extensions And Authorizing The Issuance of \$2,500,000 Bonds Of The City to Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purposes", adopted by the Common Council on September 6, 1995 shall bear an original issue date of May 15, 2002 and mature \$19,000 on May 15 in each of the years 2003-2022, both inclusive.

Section 3. Said \$573,000 of the \$1,078,000 unissued balance of the \$2,500,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Appropriating \$2,500,000 for Water Service Extensions And Authorizing The Issuance of \$2,500,000 Bonds Of The City to Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on September 6, 1995, shall bear an original issue date of May 15, 2002 and mature \$28,650 on May 15 in each of the years 2003-2022, both inclusive.

Section 4. \$10,730,000 of the \$21,000,000 bonds of the City authorized pursuant to an ordinance entitled "An Ordinance Making Appropriations Aggregating \$21,000,000 For Various Public Improvements in The Vision 21 Program And Authorizing The Issue Of \$21,000,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council on August 3, 1999 and approved by the electors at a referendum on November 2, 1999, shall bear an original issue date of May 15, 2002 and mature \$598,000 on May 15 in each of the years 2003-2012, both inclusive, and \$475,000 on May 15 in each of the years 2013-2022, both inclusive.

Section 5. Said \$1,062,000, \$380,000, \$573,000 and \$10,730,000 bonds referred to in Sections 1 through 4, hereof, shall be combined into and issued and sold as a single issue of \$12,745,000 City of Danbury General Obligation Bonds, bearing an original issue date of May 15, 2002, maturing, in combination, \$700,000 on May 15 in each of the years 2003-2012, both inclusive, \$575,000 on May 15 in each of the years 2013-2021, both inclusive

and \$570,000 on May 15, 2022, bearing interest payable on November 15 and May 15 in each year until maturity, commencing November 15, 2002 (the "Bonds"). The Bonds maturing on May 15, 2013 and thereafter are subject to redemption at the respective prices set forth in the following table together with interest accrued and unpaid to the redemption date:

Redemption Date	Redemption Price
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From: May 15, 2012 and thereafter-----	100%
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Section 6. (a) \$7,292,000 of the Bonds are determined to be issued for General Public Improvement purposes and shall be includable in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for General Public Improvement projects.

(b) \$4,500,000 of the Bonds are determined to be issued for School purposes and shall be includable in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for School projects.

(c) \$380,000 of the Bonds are determined to be issued for Sewer purposes and shall be includable in the City's aggregate indebtedness for purposes of the City's statutory limitation on indebtedness under Section 7-374 of the General Statutes of Connecticut as debt for sewer projects.

Section 7. State Street Bank and Trust Company of Connecticut, N. A. of Hartford, Connecticut, is hereby appointed as agent of the City to act as Registrar and Transfer Agent, Certifying Bank and Paying Agent and with respect to the Bonds.

Section 8. The Bonds shall be issued as book-entry bonds in accordance with the terms and provisions set forth in a Letter of Representations from the City of Danbury to The Depository Trust Company

Section 9. The Mayor and City Treasurer are hereby authorized to execute and deliver a Tax Regulatory Agreement on behalf of the City of Danbury in such form and containing such terms and provisions as they deem necessary and appropriate, and to rebate to the Federal Governments such amounts, if any, as may be required pursuant to the Tax Regulatory Agreement for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended.

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

#### 23 – COMMUNICATION – Animal Control Budget

Request from the Chief of Police that the sum of \$6,000 be transferred to the Animal Control Budget for purposes of Overtime Salaries and for Maintenance of Building and Structures at the Shelter. A certification of funds was attached. The transfer of \$6,000 from the Police Department Regular Salaries line item account to the Animal Control Contributions Grant line item and the Animal Control Budget approved on the Consent Calendar.

#### 24 – COMMUNICATION – Annual Suspense List

Letter from Tax Collector Catherine Skurat recommending that uncollectible taxes in the amount of \$449,809.61 be transferred to the annual Suspense List. Mr. Moore made a motion to receive the communication and approve the transfer of \$449,809.61 in uncollectible taxes to the annual Suspense List. Seconded by Mrs. Neptune. Motion carried unanimously.

#### 25 – COMMUNICATION – Request for Approval of Payment – 4 Patricia Lane

Request from Superintendent of Public Utilities Mario Ricoszi requesting that the sum of \$3,578.00 be appropriated to make payment to Cioffoletti

Construction Company for repairs made to the water main at 4 Patricia Lane. The payment was authorized on the Consent Calendar.

26 – COMMUNICATION – Ta’Agan Point Water System – Water Main Extension

Request from Superintendent of Public Utilities Mario Rizzo requesting that matter of a water main extension to Ta’Agan Point, using the assessment methodology be referred to public hearing. Mr. McAllister asked that this be referred to public hearing. Mayor Boughton so ordered.

27 – COMMUNICATION – Sanitary Sewer Extension – Jackson Drive/Great Plain Road Area

Results of the survey soliciting input from property owners who would benefit from the extension of the City’s sanitary sewer system to the Jackson Drive/Great Plain Road area. Mr. Saadi made a motion to defer this to public hearing. Mayor Boughton so ordered.

28 – COMMUNICATION – Request for Road Acceptance – Mariana Farms Drive

Recommendation from City Engineer William Buckley that Mariana Farms Drive be accepted as a City road. Mariana Farms Road was accepted as a City road on the Consent Calendar subject to conditions as described.

29 – COMMUNICATION – Kenosia Park Sanitary Sewer Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to undertake the construction of a sewer line to serve Kenosia Park as well as two other properties in the area; and

WHEREAS, in order to accomplish the work, certain easements will need to be acquired, either by negotiation or by eminent domain, if said 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.

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 in 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.

The Corporation Counsel was authorized, on the Consent Calendar, to acquire permanent and temporary construction easements for Kenosia Park Sanitary Sewer Project subject to a positive recommendation of the Planning Commission.

30 – COMMUNICATION – Request to Change Briar Ridge Road to Ridgebury Hills

Request from Patrick Joseph Tomaino that Briar Ridge Road be changed to Ridgebury Hills due to the fact that it took police 45 minutes to reach his neighborhood. Mr. Shuler asked that this be referred to the Planning Department for a survey. Mayor Boughton so ordered.

31 – COMMUNICATION – Request for Sewer Extension for Mountainville Road, Mountain Road, Willow Lane and Berkshire Drive

Dean Esposito asked that this be referred to the Public Works Department for a survey. Mayor Boughton so ordered.

32 – COMMUNICATION – Request for Committee to evaluate use of Existing Hanger at Danbury Airport

Mr. Esposito asked that this be referred to the Fire Department, the Police Department, the Airport Administrator, the Aviation Commission and the Corporation Counsel for reports back within thirty days. Mayor Boughton so ordered.

33 – COMMUNICATION – Report renaming Cherry Street to Aaron B. Samuels Boulevard

The renaming of Cherry Street was postponed on the Consent Calendar.

34 – COMMUNICATION – Reports regarding Connecticut Motor Club – Road Widening Parcel

Reports from the Corporation Counsel and the City Engineer recommending acceptance of the road-widening parcel at 85 and 93 Lake Avenue. The parcel of land for road widening and sight line easement was accepted on the Consent Calendar.

35 – COMMUNICATION – Reports regarding a Fence Ordinance

The report was received and referred to the Zoning Commission and the Fifth Ward Common Council Members on the Consent Calendar.

36 – COMMUNICATION – Reports regarding Offer to Sell Property on Ford Avenue to the City

The reports were received on the Consent Calendar and no action taken.

37 – COMMUNICATION – Reports regarding request to donate Mercers Pond Property to the City of Danbury

The reports were received on the Consent Calendar and no action taken.

38 – COMMUNICATION – Reports regarding request to Purchase Land on Middle River Road

The reports were received on the Consent Calendar and no action taken.

39 – COMMUNICATION – Reports regarding request to Purchase Land on Overlook Drive

The reports were received on the Consent Calendar and no action taken.

40 – REPORT & ORDINANCE – Office of the Corporation Counsel

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the creation of the Office of Deputy Corporation Counsel met on March 11, 2002 at 7:45 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Dean Esposito, Darius and Scozzafava. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Council Members John Gogliettino and Pauline Basso, ex-officio and Lynn Waller.

Mr. Esposito asked Attorney Gottschalk to provide an overview of the need for and what the responsibilities of a deputy corporation counsel would be. Attorney Gottschalk explained that once the Mayor appointed a new Corporation Counsel all current in-house staff became assistants and under that title would be restricted from performing some of the day-to-day duties of the office. With the new title and ordinance for deputy corporation counsel, the in-house staff would be able to continue making purchases for the office, assigning duties to assistants and give legal advice in the absence of the corporation counsel. Attorney Gottschalk stated that this would be a good way to streamline the day-to-day operations.

Mr. Darius asked for the written description of duties for both the Corporation Counsel and Assistant Corporation Counsel and asked if the language could be changed to give the assistant more power. Attorney Gottschalk stated that the charter gives a clear explanation of the position of "assistant" and their powers, and feels that the creation of the Deputy Corporation Counsel is needed. Mrs. Basso and Mr. Gogliettino asked how the new position, along with the Corporation Counsel, would be funded and whether this would mean that the City had to pay both full time salaries. Attorney Gottschalk was not aware of how payment for the new corporation counsel will be set.

Mr. Scozzafava made a motion to recommend the adoption of the ordinance for the creation of the Office of Deputy Corporation Counsel. Seconded by Mr. Darius and passed unanimously.

The report regarding the creation of an Office of Deputy Corporation Counsel Ordinance was received on the Consent calendar and the Ordinance deferred to public hearing.

#### 41 – REPORT & CERTIFICATION – Request for Funds for the Library

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on March 20, 2002 at 7:34 P.M. in the Third Floor Caucus Room in City Hall. In attendance were Council Members Nolan, Null, Kelly, Dean Esposito, Shuler, Levy, John Esposito, Saadi, Basso, Darius, Furtado, Gallagher, Gogliettino and Moore. Also in attendance were Library Director Betsy McDonough, Director of Finance Dominic Setaro and President of the Friends of the Library Paul McIlvaine.

Mr. Levy asked Ms. McDonough for comments on the request for funds for library books. Ms. McDonough stated that the City originally negotiated an excellent settlement for the replacement of books following the fire, but at this time the funds were depleted and as of January 2002 no more books had been ordered. In October, Ms. McDonough came before the Council and at that time the committee felt that it was too early in the year to appropriate additional funds and advised her to come back in February 2002 and then return in March 2002.

Mr. Furtado asked Mr. Setaro if we were in a position to provide the library with additional funds. Mr. Setaro stated that the Mayor has proposed that \$40,000 be appropriated to the line item for books. The money could come from the snow and ice fund and/or other departments where lapsed funds are available.

Mr. Gogliettino stated, as a former Friend of the Library member, it is the area most utilized by the residents in town, as much as the roads in the City. Mr. Esposito asked how the Mayor came up with this figure of available funds. Mr. Setaro reiterated that part of the money would come from the snow and ice account and other lapsed department accounts. Mr. Setaro stated that the funds from the snow and ice fund would not be released until the end of March.

Mr. Nolan asked if this allocation allows us to take care of the other items of concern. Mr. Setaro stated that as done in previous years, the lapsed money from various departments would be brought before the Council and asked to be transferred to areas of need. Mr. Nolan also asked Ms. McDonough to be sure to include a sufficient fund request in her next budget.

Mr. Darius asked Mr. Setaro if \$40,000 would place a strain on the City budget. Mr. Setaro said the previous Mayor had projected that lapsed money be transferred into the books line item. Mr. Moore asked if Ms. McDonough was in the same situation with the audio books line item. She stated that she was and she has stopped ordering audio books at this time.

Mr. Gogliettino made a motion to recommend that \$40,000 be appropriated to the library's line item for books, subject to certification of funds by the Director

of Finance. Seconded by Mr. Furtado. Motion carried with Council Members Kelly and Gallagher voting in the negative.

The report was received on the Consent Calendar and the appropriation for the BOOKS line item was approved.

#### 42 – REPORT – Contract for Advertising Banners

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the contract for advertising banners met on March 25, 2002 at 6:20 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi, Buzaid and Nolan. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Roy Dellinger of CGI Communications, Stephen Bull of the Chamber of Commerce, Council Members Warren Levy and Pauline Basso, ex-officio and several members of the public.

Mr. Saadi read a letter from Connecticut Light and Power concerning decorative banners installed on CL & P street light poles in downtown Danbury. The letter stated that it is the policy of CL & P not to allow the attachments of signs, banners and other foreign objects to CL & P poles without approval. Mr. Saadi stated that he spoke to Mr. Haggerty and learned that no written agreement exists. CL & P did require that the banners affixed to wooden poles be removed. There is no position on light poles specifically. There was a contractual agreement with the City of Danbury and the banner company signed by then Mayor Eriquez on December 7, 2000. No dollars were expended.

Mr. Dellinger stated that the idea behind the program was brought up by other mayors who wanted to put banners up but could not afford to. They wanted to identify business areas in their cities. The City has final approval. Mr. Dellinger stated that metal poles do not have transformers. Some cities use wooden poles. He said that the Mayor would get approval from SNET and CL & P for use of CL & P poles. He stated that the cost of the banner was \$395 per banner and there are upwards of 150 in town. He stated that the City determines the design of the banners.

Mr. Bull said he has had no feedback from Chamber of Commerce members, but the Chamber was happy to help with the program when asked by Mayor Eriquez. He agrees conceptually with the program but does not care for the design.

Mr. Saadi stated that this is a three-year agreement with one-year renewal options. Mr. Dellinger said it is difficult to find a point person to work on changing designs, etc. Mr. Nolan asked if the Chamber is willing to play a stronger role in this program. Mr. Bull said he would continue in any role the City deems fit.

Mr. Nolan asked if the Common Council had approved this contract. Attorney Gottschalk said to his knowledge it has never been before the Council. Mr. Saadi said there are five things that need to be done: the Council should take action to approve the banner program; contact CL&P to obtain needed approvals; the Mayor's Office, the Chamber of Commerce and the banner company should come up with new design work; the Mayor's office should outline the renewal notice to businesses, an explanation of the new artwork available, as well as inform the businesses that they have the option to renew or not; and CGI shall comply with the provisions of the highway right of way permit process contained in Section 17-47 et. seq. of the Danbury Code of Ordinances.

Mr. Buzaid made a motion to go forward with the program, subject to the five provisions listed above. Seconded by Mr. Nolan. Motion carried unanimously.

Mr. Saadi made a motion to receive the report and amend it be changing the word program to contract. Seconded by Mr. Nolan. Motion carried

unanimously. Mr. Nolan made a motion to adopt the report, as amended. Seconded by Mr. Machado. Motion carried unanimously.

#### 43 – REPORT – Immigration Needs

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review immigration needs met on March 26, 2002 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino and Scozzafava. Also in attendance were Maria-Cinta Lowe and Maria-Christina Rodrigues of the Hispanic Center, Captain David Moore of the Salvation Army, Council Members Kelly and Basso, ex-officio and several members of the public.

Mr. Gogliettino stated that he had obtained additional information since the last meeting. He found an individual to do the website in English, Spanish and Portuguese at a cost of \$350. Mrs. Lowe stated that the Hispanic Center is a non-profit agency advocating for the Hispanic and Brazilian population for the last 14 years. The most pressing issue is affordable housing. She cited examples of abuses that immigrants are facing.

Captain Moore stated that the number of his clients has gone up over the years. They have some money available for security deposits. They are waiting for another grant. In order to qualify to receive money a client needs to be in some type of job training program. Mr. Gogliettino asked about the process when someone comes in for help. Captain Moore said they have two case managers. They interview the client and give some help with the immediate need. They then work on the long-term need. They have 65 children on their school readiness program waiting list. They try to refer them to other agencies.

Mr. Scozzafava stated that the committee is aware of the critical housing shortage, but this is not an issue that the Common Council can resolve. He asked Mrs. Lowe what the committee could do for her. Mrs. Lowe said there are three coalitions working on the housing problem. Working with the Council, perhaps they would have the power to bring money to town. The City has to help people economically. People need to be aware of what they are signing when the sign a lease. People are losing their security deposits.

Mrs. Neptune stated that WeCahr is building 56 units of rental condos. Four will be for the Housing Authority, ten for WeCahr and the rest for the community. Mrs. Lowe said she would look into this.

Mr. Gogliettino said that we could have a hyperlink to the website. Mrs. Neptune said that people need to be guided to an advocate. The question is how to get the information out to the people. People are afraid they will be deported. Mr. Gogliettino said that there should be a Mayor's Task Force on Immigration.

Mr. Scozzafava made a motion that the City create a website at the cost of \$350, with the Salvation Army hosting the site at a cost of \$1,000, and recommend that a task force be set up to study immigration and minority needs. Seconded by Mrs. Neptune. Motion carried unanimously.

The report regarding immigrations needs was accepted on the Consent Calendar.

#### 44 – REPORT – Request for Funds for Silo at Tarrywile Park

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request for funds for the silo at Tarrywile Park met on March 27, 2002 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Gallagher and Basso. Also in attendance were Gerry Daly, Sandy Moy

and Bill Lewis from Tarrywile Park, Director of Finance Dominic Setaro, Council Members Levy, Scozzafava and Neptune, ex-officio, and Lynn Waller.

Mr. Furtado asked Mrs. Moy for background on the request. Mrs. Moy stated that the sixty-foot silo blew down in December 2000. The insurance company will pay all except \$10,000 deductible. They are asking for that \$10,000 and between \$15,000 - \$20,000 to be used to make it into a gallery to showcase the history of the farm and its connection to the hatting industry. Mr. Daly stated that this is part of the proposed master plan and is the gateway to a vast majority of the park. The area is very unique. The silo would be of more use and it makes sense to add to it now while it is under reconstruction.

Mr. Furtado asked if there was a time limit. Mrs. Moy said the money would run out on December 21, 2002. Mr. Daly said the silo is valued at \$100,000. The depreciated value is between \$30,000 and \$40,000. If we don't rebuild, they give you less. Mr. Gallagher asked if the Authority had the money. Mrs. Moy said they do not.

Mr. Gallagher asked about the utilization of the park and compared it to the high number of people that use Rogers Park. Mr. Gallagher said he could not justify appropriating this money unless he could see how well it is utilized. A discussion followed about the use of the park and the parking problems.

Mr. Furtado asked if there was any money built into Tarry wile's budget for this. Mrs. Moy said no because they were not aware of the deductible issue. Mr. Furtado asked Mr. Setaro about available funds. Mr. Setaro said it would be a shame to let the insurance money, but could not tell at this time what was available. Mr. Furtado asked if we could wait until July. Mr. Setaro said a new contingency account would be available at that time.

Mr. Gallagher made a motion to take no action. Seconded by Mrs. Basso. Motion carried unanimously.

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

#### 45 – REPORT – Hawthorne Cove Address Designation

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the matter of the Hawthorne Cove designation as a Danbury address was called to order at 7:40 P.M. in Conference Room 3C on March 25, 2002. In attendance were committee members Saadi, Null and Basso. Also in attendance were Council Member David Mazzuchelli, ex-officio, residents of Hawthorne Cove and members of the public.

Mr. Saadi explained that the Council had previously addressed this matter during its November 2001 meeting by voting to direct the Planning Department to complete the renumbering of the roads as Danbury addresses and to take no action regarding the method of mail delivery, as such determination is to be made by the United States Postal Service. Several members of the public then addressed the committee.

Thomas Healy stated that he is in favor of Danbury recognizing that Hawthorne Cove is part and parcel of Danbury. Donna Blantin said that she is in favor of Hawthorne Cove's designation as being located in Danbury since they live in Danbury, and further stated that a single member of the neighborhood campaigned to change back to Brookfield and in doing so spread misinformation.

Alda Compato said that she sent a letter to Mayor Mark Boughton regarding her concerns that she thought that the address change was only for the numeric designation of the houses in the neighborhood. Sheila Kuhn said that she wants to remain part of Brookfield because it is convenient for her to go to the Brookfield Post Office to pick up packages. Ms. Kuhn said that in October 2001, Mayor Eriquez sent out a survey that showed that the majority said

Brookfield. She stated that mail delivery should be from the Brookfield Post Office.

Salome Benete stated that she wants her address to be Brookfield and that she did not get individual notice of the November 2001 Common Council Meeting. Mr. Saadi explained that each Council meeting is publicly noticed and that the agenda is available for public inspection the week before the Council Meeting. Dianne Skarda stated that she is proud to be from Danbury, but wants her mailing address to be Brookfield. Sharon Bartley said that the majority of the residents are in favor of maintaining Brookfield as their mailing address.

Mr. Setaro said that the City of Danbury has helped the Hawthorne Cove neighborhood by making the road a public road and maintaining it and those residents were all happy with being part of Danbury then.

Ms. Composto said that the City should follow the last survey sent out by the Mayor on October 3, 2001. Mr. Saadi explained that the survey was sent out by the former Mayor for the purpose of the Mayor discussing mail delivery with the postmaster, not for the Council's deliberations.

Several residents said they were not told of the public hearing on the issue of the address change. Mr. Saadi stated that proper notice for every municipal meeting regarding this matter has been given. He also stated that both the Fire and Police Departments agreed with the Danbury designation. Mr. Saadi stated that the survey was not binding on any government entity, but only for consideration in light of all the circumstances related to mail delivery. Mr. Saadi stated that what makes the most sense in a matter such as this is for any street that is within the municipal boundaries of Danbury be considered as a Danbury address for municipal government purposes.

Mr. Glazer asked Mr. Saadi whether by State law, actions of a neighborhood association were enforceable. Mr. Saadi responded that much of the conduct of a neighborhood association is not regulated by State law and that a vote on an address change is not enforceable as against any government entity. Mr. Saadi explained that the issue of mail delivery is up to the post office's determination.

Mrs. Basso made a motion to recommend to the Common Council as a whole to affirm the previous Council recognition of Hawthorne Cove as Danbury for Danbury Municipal government purposes, and to take no action regarding mail delivery as that decision is within the authority of the U. S. Postal Service. Mr. Null seconded the motion which passed unanimously.

The report regarding Hawthorne Cove Address Designation was received on the Consent Calendar and the recommendations approve.

#### 46 – REPORT – Broad Street Sewer Extension

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the request by Wanda Stone of 37 Broad Street for a sewer extension met in the Third Floor Caucus Room in City Hall at 7:20 P.M. on March 25, 2002. In attendance were committee members Saadi, John Esposito and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner Wanda Stone.

Ms. Stone explained that she wants to hook into the sewer line proposed to be installed behind her house on private property being developed for private homes. She further stated that the property owner, Wayne Ramey, informed her that he would give her an easement for the connection. Ms. Stone said that connecting to the line in front of her house be more expensive due to the ledge an grading.

Mr. Buckley stated that the sewer line approved for Mr. Ramey's development was intended only for the number of units being build and that all of the other houses on Broad Street were connected to the sewer line in front of the houses. Mr. Buckley further stated that from an engineering stand point having and

easement over a third party's property for sewer line connections are not advisable. He stated that as with any sewer extension, one of the required eight steps is approval by the City Engineering Department and, in this case, no such approval would be forthcoming. Mr. Saadi asked if there was any physical problem with such a connection to which Mr. Buckley replied no.

Mr. Esposito made a motion to take no action, explaining that if circumstances change, Ms. Stone may wish to file a formal sewer extension request. Mrs. Basso seconded the motion which passed unanimously.

The report regarding the sewer extension on Broad Street was received on the Consent Calendar and no action taken.

#### 47 – PROGRESS REPORT – Amendment to Section 2-95 of the Code of Ordinances

The Common Council Committee appointed to review the amendment to Section 2-95 of the Code of Ordinances met on March 26, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Scozzafava and Dean Esposito. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Assistant Corporation Counsel Eric Gottschalk, Council Members John Gogliettino, Warren Levy, John Darius, John Esposito and Christian Dittrich, ex-officio, as well as several members of the public.

Mr. Nolan read the notice of the committee meeting. The notice bears the date of March 25, 2002, which would not be in compliance with FOI requirements. The City Clerk stated that she sent out the notice on March 21<sup>st</sup> and posted notice on that date. Attorney Yamin authorized the meeting to succeed. Mr. Nolan stated that this meeting was for organizational purposes. He stated that the Common Council, who has the authority to change ordinances, should take great care. The proposal would be a change of the Code of Ordinances. There is a grave reservation not to act hastily.

Mr. Nolan read the request from Mr. Gogliettino. Mr. Gogliettino stated that we now have a Mayor from one party and the majority of the Common Council from the other party. Mr. Gogliettino stated that he would not be the Chairman of a committee for the next two years because he is the one that put in this proposal. Other cities of our size do not have this same situation.

Attorney Yamin stated that Danbury has a strong mayoral form of government. He cannot point to many places where the Mayor has authority, except this one. Local governments are less political. His research does not show any link between local and national governments.

Mr. Scozzafava stated that he thinks the system works fine. This Mayor has appointed over thirty committees and Republicans have chaired only two. Dean Esposito stated that the end of last year it would have been brought up in the Eriquez administration. Leaders working together would determine who is best to lead committees. Mr. Esposito stated that this would separate the two branches of government.

Mr. Darius stated that in the Charter under the duties of the Mayor, presiding over the Common Council is part of the duties. The reason the Council is elected is to legislate. The Charter says that the Common Council shall make no laws that impede the power of the Mayor. If you take away the power of the Mayor to appoint committees, you would break the rules of the Charter. Mr. Levy stated that the Charter is silent on appointing authority.

Attorney Yamin said that it is not clear from a legal standpoint that this can be done. Dean Esposito questioned Attorney Yamin regarding the legality.

Mr. Nolan stated that changing the form of government is serious business. These are unique circumstances and we should tread lightly. The clarification of the legality issue is critical. We should seek a specific opinion from the Corporation Counsel, from other Corporation Counsels, from former

Mayors, previous Council leaders and from those who do not have a vested interest. We should survey other communities.

Mr. Scozzafava made a motion to continue the committee for six weeks after the budget is adopted, issue a progress report at the April meeting, seek a legal opinion on the validity of this proposal and invite peers to offer testimony to the committee. Seconded by Dean Esposito. Motion carried unanimously

The Progress Report regarding an amendment to Section 2-95 of the Code of Ordinances was received on the Consent Calendar.

48 – COMMUNICATION – Settlement of Pending Action

Mr. Levy made a motion to move this item to the end of the agenda for Executive Session. Seconded by Mrs. Basso. Motion carried unanimously.

49 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Building, Welfare, Health and Housing, Elderly Services. Mr. Levy made a motion to accept the department reports 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 Dean Esposito. Motion carried unanimously.

50 – COMMUNICATION – Drainage Rights – 252 Great Plain Road

Mr. Levy made a motion to add this item to the agenda. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

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

51 – COMMUNICATION – Request to Change City Ordinances pertaining to Parking Violations

Mr. Levy made a motion to add this item to the agenda. Seconded by Dean Esposito. Motion carried with Council Members Nolan, Scozzafava, Gallagher and Neptune voting in the negative.

Mrs. Basso asked that this be referred to an ad hoc committee, the Police Chief and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Mazzuchelli, Darius and Scozzafava to the committee.

52 – COMMUNICATION – Amendment of State and Federal Projects Budget

Mr. Levy made a motion to add this item to the agenda. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Request from Superintendent of Schools Timothy Connors for a budget amendment to increase the State and Federal projects budget total for the current fiscal year to the amended amount of \$14,147,633. Mr. Levy made a motion to amend the State and Federal projects budget as stated. Seconded by Mrs. Basso. Motion carried unanimously.

53 – COMMUNICATION – Bucon, Inc. – Pending Litigation

Mr. Levy made a motion to add Ice Rink pending litigation to the agenda. Seconded by Dean Esposito. Motion carried with Mr. Gallagher voting in the negative.

Mr. Levy made a motion to move this item to Executive Session. Seconded by Mr. Nolan. Motion carried unanimously.

At 8:37 P.M. Mr. Gallagher made a motion to enter into Executive Session.

At 9:42 P.M. the Common Council reconvened in public session.

Item 48 – Mr. Saadi made a motion to approve the settlement and authorize the Mayor and the Corporation Counsel to execute any necessary documents. Seconded by Mrs. Basso. Motion carried unanimously.

53 – Mr. Saadi made a motion to approve the settlement as outlined in Executive Session and to authorize the Mayor and the Corporation Counsel to execute any necessary documents. Seconded by Mr. Scozzafava. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mrs. Basso for the meeting to be adjourned at 9:45 P.M.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Assistant City Clerk