

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

RE: Minutes of the Common Council Meeting held June 4, 2002

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

PRESENT – Nolan, Kelly, Mazzuchelli, Machado, Scozzafava, Levy, John Esposito, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune

ABSENT – McAllister, Null, Buzaid, Dean Esposito, Shuler, Saadi, Gallagher

14 Present – 7 Present

Mr. Gallagher was celebrating a special occasion; Mr. McAllister was out of town, Mr. Buzaid was out of town and Mr. Null was ill.

### **PUBLIC SPEAKING**

Ross Slewicki spoke in favor of the Magnet School

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

Scott Ferguson, South King Street – spoke in favor of the Magnet School

Claudia Anderson, 57 Old Lantern Road – spoke in favor of the Magnet School

Rev. Samuel Mills, 8 Valley View Drive – requested that a traffic light be placed at Woodside Avenue and Newtown Road, not at Newtown Road and Shelter Rock Road.

**MINUTES** – Minutes of the Common Council Meeting held May 7, 2002. Mr. Levy made a motion that the minutes be accepted as presented and the reading waived 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:

1 – Adopt the resolution to apply for and accept grant funding from the United States Department of Housing and Urban Development in the amount of \$671,000 for the Community Development Program year commencing August 1, 2002

2 – Adopt the resolution to enter into an agreement for funds in the amount of \$666.50 with the State of Connecticut Department of Agriculture and the WIC Farmer's Market Program

3 – Adopt the resolution to apply for and accept grant funding from the State of Connecticut Department of Public Health in the amount of \$84,757.91 for the Public Health Program as described

4 – Adopt the resolution to apply for and accept funding from HUD in the amount of \$142,000 for the Homeless Person Continuum of Care Program pending Finance Department approval

5 – Approve the appointment of Robie Barile to the Commission on Persons with Disabilities

6 – Approve the appointment of William C. Fisher to the Candlewood Lake Authority

7 – Approve the appointment of Vera L. Delohery, Barbara E. Roos, Robert C. Melillo, Anthony J. James, Ajay Ratilal Shah, Thai Nguyen, Timothy J. Salem, Brian P. Hayes and Christopher J. Barrett to the Youth Commission

8 – Approve the appointment of Mark D. Boughton to the Housatonic Resources Recovery Authority

- 13 – Approve the transfer of \$904 from the Elderly Services Donations account to the Commission on Aging budget as described
- 15 – Approve the appropriation of \$50,000 to retain professional engineering services as described in communication and certification number one.
- 28 – Approve the name change of Cherry Street to Aaron B. Samuels Boulevard
- 31 – Take no action in regard to multiple uses of airport hangar
- 32 – Approve drainage rights agreement at 252 Great Plain Road subject to conditions as describe
- 33 – Approve 18-month time extension for Bear Mountain Road and Pembroke Road sewer and water extensions subject to conditions as described
- 34 – Take no action on a request to accept Larson Drive as a City road
- 35 – Approve 18-month time extension for 60 Forest Avenue sewer extension subject to conditions as described
- 36 – Approve acceptance of road widening strips on Shelter Rock Road and Plumtrees Road subject to conditions as described
- 37 – Receive the report regarding the Neighborhood Assistance Act and approve the recommendations and adopt the resolution
- 39 – Receive the report regarding parking violation fines and refer it, together with a subsequent ordinance, to public hearing
- 40 – Receive the report regarding Government Entities Review and Evaluation and approve the recommendations
- 41 – Receive the report regarding the ice arena and approve its recommendations
- 42 – Receive the report regarding a parking agreement at 76-78 Balmforth Avenue and approve the recommendations
- 43 – Receive the report regarding Ta'Agan Point Water System Preliminary Assessments and approve the recommendations
- 44 – Receive the report regarding Richmond Avenue final sewer extension assessments and approve the recommendations
- 45 – Receive the report regarding sewer and water extensions on Clapboard Ridge Road and take no action at this time
- 46 – Receive the report regarding road maintenance at Marjorie Manor and take no action at this time
- 47 – Receive the report regarding sewer and water extensions on Pembroke Road and approve the recommendations subject to a positive recommendation of the Planning Commission
- 48 – Receive the report regarding litigation expenses and approve the recommendations

Mrs. Neptune made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Darius. Motion carried unanimously.

1 – RESOLUTION – Community Development Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title 1 of the Housing and Community Development Act of

1987, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act; and

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 2002 through July 31, 2003 for the Twenty-Eighth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

The resolution to apply for and accept grant funding from the United States Department of Housing and Urban Development in the amount of \$671,000 for the Community Development Program Year commencing August 1, 2002 was adopted on the Consent Calendar.

## 2 – RESOLUTION – Farmers Market Coupon Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury's Women, Infants and Children's Program (WIC) wishes to enter into an agreement with the State of Connecticut Department of Agriculture for funds in the amount of \$666.50 to be used for supplemental staffing during the Farmer's Market Program; and

WHEREAS, said funds are to be used to administer the issuance of farmer's market coupons to enable WIC participants to purchase fresh fruits and vegetables at the local Farmer's Market during the summer of 2002; and

WHEREAS, the period for the availability of this grant is June 2002 through September 2002; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury WIC Office is authorized to sign an agreement with the State of Connecticut Department of Agriculture for this amount and to do all things necessary to administer the 2002 summer Farmer's Market Coupon Program to its clients.

The resolution to enter into an agreement for funds in the amount of \$666.50 with the State of Connecticut Department of Agriculture and the WIC Farmer's Market Program was approved on the Consent Calendar.

## 3 – RESOLUTION – Per Capita Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita funds available for 2002-2003 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for \$84,757.91 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 2002 through June 30, 2003.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Mark D. Boughton, is hereby authorized to apply for and accept said per capita grant funds of \$84,757.91, to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

The resolution to apply for and accept grant funding from the State of Connecticut Department of Public Health in the amount of \$84,757.91 for the Public Health Program as described was adopted on the Consent Calendar.

#### 4 – RESOLUTION – Danbury Continuum of Care Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) makes grant funds available to local governments pursuant to the Continuum of Care Homeless Assistance Programs; and

WHEREAS, the Continuum of Care Homeless Assistance Programs are intended to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move into self-sufficiency and permanent housing and thereby end chronic homelessness; and,

WHEREAS, over the past several years the Greater Danbury Continuum of Care programs have been the result of a partnership among the City of Danbury, the Danbury Housing Authority and the United Way; and,

WHEREAS, the renewal of awards in effect since 1998 with no local match and a proposed new program for leased family apartments with an in-kind match consisting of staff and administrative time will require an application to HUD; and,

WHEREAS, the submission of an application to HUD for new and renewal project funding consistent with the currently approved Consolidated Plan is in the best interests of the City of Danbury;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Mark D. Boughton be and hereby is authorized to make application to HUD pursuant to the terms of the Continuum of Care Homeless Assistance Programs, including both new and renewal projects, and that Mayor Mark D. Boughton be and hereby is authorized to take any additional action that may be necessary to effectuate the purposes hereof.

The resolution to apply for and accept funding from HUD in the amount of \$142,000 for the Homeless Person Continuum of Care Program was approved on the Consent Calendar, pending Finance Department approval.

#### 5 – COMMUNICATION – Appointment to the Commission on Persons with Disabilities

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Robie Barile to the Commission on Persons with Disabilities for a term to expire March 1, 2005. The appointment was confirmed on the Consent Calendar.

#### 6 – COMMUNICATION –Appointment to the Candlewood Lake Authority

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of William C. Fisher to the Candlewood Lake Authority for a term to expire April 1, 2005. The reappointment was confirmed on the Consent Calendar.

#### 7 – COMMUNICATION – Appointments to the Youth Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the appointments of Vera L. Delohery, Anthony J. James, Timothy J. Salem, Barbara E. Roos, Ajay Ratilal Shah, Brian P. Hayes, Robert C. Melillo, Thai Nguyen, and Christopher

J. Barrett to the Youth Commission for terms to expire June 1, 2005. The appointments were confirmed on the Consent Calendar.

8 – COMMUNICATION – Appointment to the HRRRA

Letter from Mayor Mark D. Boughton requesting confirmation of Mark D. Boughton to the Housatonic Resources Recovery Authority for a three-year term beginning July 1, 2002. The appointment was confirmed on the Consent Calendar.

9 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the total amount of \$127.20. Mr. Gogliettino made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Nolan. Motion carried unanimously.

10 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$360. Mrs. Basso made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Parks and Recreation Department

Letter from Director of Parks and Recreation Robert Ryerson requesting permission to accept a new baseball scoreboard valued at \$6,500 for Rivard Field at Visconti Memorial Stadium from PAL Baseball. Mr. Moore made a motion that the communication be received, the donation accepted and a letter of thanks sent. Seconded by Mrs. Basso. Motion carried unanimously.

(At 7:50 P.M. Mr. Saadi arrived and was marked present)

12 – COMMUNICATION – Donation from the Danbury Westerners

Letter from Director of Parks and Recreation Robert Ryerson requesting permission to accept a donation of a flagpole from the Danbury Westerners for the Rogers Park lighted baseball field. Mrs. Neptune made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

13 – COMMUNICATION – Reappropriation of Donated Funds

Letter from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$904 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.

14 – COMMUNICATION – Affordable Housing Contract

Mr. Nolan asked that this be referred to an ad hoc committee, the Corporation Counsel and a representative of Maple & Union LLC. Mayor Boughton so ordered and appointed Council Members Furtado, Neptune and Dittrich to the committee.

15 – COMMUNICATION - Assessed Projects Allocation

Request from Director of Public Works William Buckley requesting that an allocation be made to allow him to proceed with assessed sewer and water projects. A certification of funds was attached. The allocation of \$50,000 to retain professional engineering services as described was appropriated on the Consent Calendar.

16 – COMMUNICATION – Position of Emergency Management Director

Letter from Mayor Boughton requesting that an ad hoc committee be appointed to provide suggestions for a new job description and qualifications for the position of

Emergency Management Director. Mr. Gogliettino asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Personnel. Mayor Boughton so ordered and appointed Council Members Levy, Saadi and Nolan to the committee.

17 – COMMUNICATION – Traffic Signal at the Intersection of Woodside Avenue and Route 6

Mr. Moore asked that this be referred to an ad hoc committee and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Saadi, John Esposito and Basso to the committee.

18 – COMMUNICATION – Stop Sign on Franklin Street and Starr Street

Mr. Darius asked that this be referred to an ad hoc committee and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Gallagher, Buzaid and Basso to the committee.

19 – COMMUNICATION – Request to Purchase Land on Kenosia Avenue

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

20 – COMMUNICATION – South King Street Road Widening Parcel

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.

21 – COMMUNICATION – Request for Sewer Extension at 94 Mill Plain 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 Moore, Darius and Dittrich to the committee.

22 – COMMUNICATION – Request for Extension of Time – 99 Federal Road

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

23 – COMMUNICATION – Request for Acceptance of Denver Terrace as a City Road

Mr. Furtado 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.

24 – COMMUNICATION – Request for Sewer and Water Extensions – Lee Avenue and Victor Street

Mr. Gogliettino asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Machado, Shuler and Scozzafava to the committee.

25 – COMMUNICATION – Request for Sewer Extension – 100 and 102 Federal Road

Mrs. Basso 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 Kelly, Mazzuchelli and Basso to the committee.

26 – COMMUNICATION – Request for Sewer and Water Extensions – Mountainview Terrace

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 John Esposito, Saadi and Basso to the committee.

27 – COMMUNICATION – Request for Sewer and Water Extensions – Shelter Rock Road

Mrs. Neptune 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 John Esposito, Saadi and Nolan to the committee.

28 – COMMUNICATION – Change of Name to Aaron B. Samuels Boulevard

The change of name from Cherry Street to Aaron B. Samuels Boulevard was adopted on the Consent Calendar.

29 – COMMUNICATION – Hawthorne Cove Road

Report from Director of Public Works William Buckley modifying his original plan for the improvements to Hawthorne Cove Road and authorizing the release of the \$80,000 that is held in an account for the Hawthorne Cove Road improvements and the transfer of these funds to the Highway Department.

Mr. Gogliettino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Dean Esposito, Furtado and Nolan to the committee.

30 – COMMUNICATION – Installation of Lights on Caye Road

Mrs. Basso asked that this be referred to the Police Chief and the Fire Chief for reports back within thirty days. Mayor Boughton so ordered.

31 – COMMUNICATION – Reports regarding Airport Property

Reports from the Airport Administrator, the Aviation Commission, the Fire Chief, the Police Chief and the Corporation Counsel outlining proposals for use of the hangar at the Airport. The reports were received on the Consent Calendar and no action taken.

32 – COMMUNICATION – Reports regarding Right to Drain Agreement – Great Plain Road

Reports from the Director of Public Works, the Planning Commission, the Director of Planning and the Corporation Counsel recommending approval of this agreement. The drainage right agreement at 252 Great Plain Road was approved on the Consent Calendar subject to conditions as described.

33 – COMMUNICATION – Reports regarding Sanitary Sewer and Water Extensions – Bear Mountain Road and Pembroke Road

The eighteen-month extension for Bear Mountain Road and Pembroke Road sewer and water extensions was approved on the Consent Calendar subject to conditions as described.

34 – COMMUNICATION – Report regarding Larson Drive

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

35 – COMMUNICATION – Report regarding Sanitary Sewer Extension – 60 Forest Avenue

The eighteen-month time extension for 60 Forest Avenue sewer extension was approved on the Consent Calendar subject to conditions as described.

36 – COMMUNICATION – Reports regarding Ginsburg Development – Road Widening

The road widening strips on Shelter Rock Road and Plumtrees Road were accepted on the Consent Calendar subject to conditions as described.

37 – REPORT & RESOLUTION – Neighborhood Assistance Act

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on May 22, 2002 in the Common Council Chambers in City Hall. No members of the public addressed the Common Council at this hearing.

Mr. Saadi made a motion to adopt the Neighborhood Assistance Act resolution as presented. Seconded by Mr. Furtado. Mr. Nolan stated that this is an under utilized program. He would like to get an idea of how many organizations take advantage of it. Attorney Pinter noted that State law mandates that the local legislature has to approve the list in order for the corporations to get tax credits. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Neighborhood Assistance Act Program is available for area non profits to submit applications for funding; and

WHEREAS, the Act provides tax credits for businesses which contribute to community programs having received both municipal and state approval; and

WHEREAS, certain local and area organizations are seeking to apply through Danbury for such tax credits; and

WHEREAS, no local matching funds are required; and

WHEREAS, said organizations and their requests are as set forth on the attached schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through its Common Council, hereby approves, subject to a public hearing as required by law, those organizations set forth in the schedule, for participation in the Neighborhood Assistance Program, and authorize Mark D. Boughton, Mayor of the City of Danbury to take such actions as may be necessary for the accomplishment of the purposes hereof.

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

38 – REPORT and RESOLUTION – Magnet School

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the Magnet School met on May 16, 2002 at 7:00 P.M. in Conference Room 3C in City Hall. In attendance were committee members Furtado, Nolan and Neptune. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Robin Edwards, Director of Finance Dom Setaro, Superintendent of Schools Tim Connors, Superintendent of Public Buildings Rick Palanzo, Assistant to the Mayor Michael McLachlan, Council Member Warren Levy, ex-officio, Brian Solywoda of Friar Associates, Jerry Librizzi of the Morganti Group and Sylvia Newman and Kasey Gutfreund of Friar Associates and members of the public.

Mr. Buckley began by giving an overview of the project. He said that Mr. McLachlan has been negotiating with the State. The proposal is to build a K through 5 Magnet School on the Westside Campus of Western Connecticut State University. The State will give us seven acres of land. The school will be funded entirely by the State, including road costs and utilities. The cost is approximately 15.6 million dollars. \$1.7 million will be for road costs. An exchange of land will be for the Roberts Avenue

School, which will become a part of the downtown Western campus. We will maintain easements to all utilities. The contract requires us to be out of Roberts Avenue School in five years. We will end up with a new magnet school and a new elementary school for approximately \$6.5 million dollars.

Mr. Connors stated that he started to put together a plan for a Magnet School when he learned that the State would be willing to fund it. He brought Newtown, Brookfield, Redding and New Fairfield together to apply for the grant. The school will house 360 pupils. 252 of those students will come from Danbury. There will be student teaching opportunities for Western students. The grant was approved. The school will be an international school. All students will learn a second language. The question is how do you make the transfer of property. If we can get this transfer of property done, we can begin construction. They hope to have students at the school by the fall of 2004. Roberts Avenue School has outlined its usefulness. Both schools will total over 30 million in costs. We will pay under 6 million for both.

Friar Associates who are the architects for the Magnet School gave presentations. Assistant Corporation Counsel Robin Edwards stated that negotiations are close to coming to an end. We will enter into a lease for Roberts Avenue School. The lease will be executed after the contract is executed. We will have to indemnify and hold the State harmless. The Common Council will be asked to convey a portion of Roberts Avenue and a portion of Seventh Avenue to the State. If the Magnet School ceases to be a Magnet School it would revert back to the State. At this point the Mayor needs to be given the authority to execute all documents to enable the Board to proceed with the final design, to obtain the necessary easements and the quitclaim deed upon discontinuance of the roads. The State would like to have this completed by July.

Mr. Nolan stated that we are here to deliberate the transfer of the property. We need to transact the resolution. The concern remains that once we have transferred Roberts Avenue School, is there the ability to follow through with the replacement school. Mr. Connors stated that they have submitted a grant for 28 million. The City would have to bond \$6,535,000 for the project.

Mr. Nolan made a motion to adopt the resolution as drafted. Seconded by Mrs. Neptune. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to accept the transfer of the 7.026 acres of land, at no cost to the City, located at the Western Connecticut State University Westside campus from the State of Connecticut for the purposes of constructing the Magnet School;

WHEREAS, the City of Danbury is willing to sell Roberts Avenue Elementary School to the State of Connecticut for the agreed upon price of three million two hundred thousand and 00/100 dollars (\$3,200,000.00). The State will pay the City one million nine hundred fifty five thousand and 00/100 (\$1,955,000.00) at the time of closing and the remaining balance at the time the City vacates the Roberts Avenue Elementary School;

WHEREAS, the City of Danbury recognizes that the State of Connecticut General Assembly has passed legislation, Special Act 01-6, Sections 26 and 27, authorizing the acquisition of the 7.026 acres of land located at the Western Connecticut State University Westside campus by the City of Danbury and the transfer of the Roberts Avenue Elementary School parcel to the State of Connecticut.

WHEREAS, the City of Danbury recognizes that the legislation links both transactions together and requires that both transfers of land must occur simultaneously;

WHEREAS, the City of Danbury recognizes that the legislation provides that the State of Connecticut shall lease the Roberts Avenue Elementary School parcel, at no rent cost, to the City of Danbury to enable the City of Danbury to continue to operate the Roberts Avenue Elementary School until (1) the completion of construction of a new

elementary school to replace the Roberts Avenue Elementary School, or (2) the end of a five year period beginning on the date of conveyance, whichever is earlier;

WHEREAS, the City of Danbury recognizes that the acquisition of the site for the construction of a regional magnet school in Danbury; and the sale of Roberts Avenue Elementary School to the State of Connecticut for adequate consideration are all in the best interests of the City and supported by the Common Council.

WHEREAS, the City of Danbury hereby recognizes that it is necessary for the Board of Education to proceed to the final design and construction phase of the regional Magnet School to be built on 7.026 acres of land at the Western Connecticut State University Westside campus;

WHEREAS, the City of Danbury hereby recognizes that it is necessary for the Board of Education to file an EDO 49R form with the State of Connecticut Department of Education to obtain 100% State funding for the regional Magnet School project;

WHEREAS, the City of Danbury hereby recognizes that it is necessary for the City of Danbury to acquire easements from the State of Connecticut to enable the City to maintain its current existing municipal utilities (sanitary sewer, water and drainage) located at Roberts Avenue and Seventh Avenue. The easements will be defined at a later date, as warranted, and construction progresses;

WHEREAS, the City of Danbury hereby recognizes that it is necessary for the City of Danbury to acquire temporary and permanent easements (construction, sanitary sewer, water, drainage, road) from the State of Connecticut on the Western School. The easements will be defined at a later date, as warranted, and construction progresses;

WHEREAS, the City of Danbury hereby recognizes that it is necessary to discontinue certain municipal highways known as Seventh Avenue and a portion of Roberts Avenue (that portion of Roberts Avenue between Seventh Avenue and Eighth Avenue), in order to effectuate the transfer of the Roberts Avenue Elementary School parcel to the State of Connecticut pursuant to the terms of the legislation mentioned above, as Seventh Avenue and a portion of Roberts Avenue are required to be transferred to the State of Connecticut. The quitclaim deed conveying the Roberts Avenue Elementary School parcel must contain reservations which permit the City of Danbury, its agents and the general public the right to pass and re-pass over Roberts Avenue, which is and will remain a municipal road, until the expiration of the lease at Roberts Avenue Elementary School. Said discontinuance will become automatically effective upon the expiration of the lease term for Roberts Avenue Elementary School.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Danbury hereby discontinues that parcel of land known as Seventh Avenue and a portion of Roberts Avenue (that portion of Roberts Avenue between Seventh Avenue and Eighth Avenue), described in Schedule A attached hereto and incorporated herein, effective as of the date of the expiration of the Roberts Avenue Elementary School lease.

BE IT FURTHER RESOLVED by the Common Council of the City of Danbury that Mayor Mark D. Boughton be and is hereby authorized to negotiate and upon the completion of negotiations, execute:

A contract of sale to effectuate the transfers of the above parcels and the lease back of Roberts Avenue Elementary School from the State of Connecticut. The Mayor is further authorized to execute any and all documents necessary to effectuate the above-mentioned transfers of land and lease back of Roberts Avenue Elementary School;

Any and all agreements and documents necessary to enable the Board of Education to proceed to the final design and construction phases of the regional Magnet School;

All documents necessary to acquire easements from the State of Connecticut to enable the City to maintain its current existing municipal utilities (sanitary sewer, water and drainage) located at Roberts Avenue and Seventh Avenue.

All documents necessary to acquire temporary and permanent easements (construction, sanitary sewer, water, drainage, road) from the State of Connecticut on land owned by the State of Connecticut on the Western Connecticut State University Westside campus to construct and/or operate the Magnet School; and

A quitclaim deed and any and all other documents necessary to effectuate said road discontinuances and the transfer of said roads to the State of Connecticut.

BE IT FURTHER RESOLVED by the Common Council of the City of Danbury that the Board of Education is hereby authorized to:

Proceed to the final design and construction phase of the regional Magnet School to be built on 7.026 acres of land at the Western Connecticut State University Westside campus; and

File an EDO 49R form with the State of Connecticut Department of Education to obtain 100% State funding for the Magnet School projects, together with any and all related documents necessary to effectuate the purposes hereof.

Mr. Gogliettino made a motion to receive the report, approve its recommendations and adopt the resolution. Seconded by Mr. Neptune. Motion carried unanimously.

#### 39 – REPORT – Parking Violation Fines

Mr. Mazzuchelli submitted the following report:

The Common Council Committee appointed to review parking violations fines was called to order at 7:00 on May 14, 2002 in Conference Room 3C in City Hall. In attendance were committee members Mazzuchelli and Darius. Also in attendance were Corporation Counsel Eric Gottschalk, Council Members Gogliettino and Basso, ex-officio and members of the public.

Mr. Mazzuchelli stated that the committee was convened to look at fines and regulations. They decided to look only at fines, not violations. Mr. Mazzuchelli gave background stating that unlike meter regulations, which are designed to facilitate a continuous flow of commercial traffic in the downtown business district, parking and traffic restrictions are put in place for public safety. Restrictions on obstructing crosswalks, thorough fares, fire lanes, sidewalks, fire hydrants and/or restricting emergency vehicles, blocking the view in crosswalks, parking in handicapped spaces or blocking snow removal equipment were implemented to protect the general public from harm.

Mr. Mazzuchelli outlined the problem that current parking violation fines do not act as a deterrent. Because some fines for violation of the parking regulations are as low as \$5.00, they are not a sufficient deterrent to violation, and in most cases uncollectible due to the cost of the pursuit.

Attorney Gottschalk said that change should be implemented through ordinance amendments. You could go section by section or establish a separate ordinance. He stated that the best way to deal with this is to adopt a new section of the ordinance listing all violations and penalties.

Mr. Darius made a motion to amend the current ordinance, Section 19, Traffic, to establish a schedule of fines. Seconded by Mr. Mazzuchelli. The motion carried unanimously.

The report was received on the Consent Calendar, and deferred to Public Hearing along with a subsequent ordinance.

#### 40 – REPORT – Government Entities Review and Evaluation

Dean Esposito submitted the following report:

The Government Entities Review and Evaluation Committee met on May 14, 2002 in the Common Council Chambers in City Hall at 8:00 P.M. In attendance were committee members Dean Esposito, Mazzuchelli, Basso, Alan Boyce and Mark Chory.

The committee reviewed reports from the Danbury Commission for Persons with Disabilities, the Danbury Aquifer Protection Agency, the Danbury Fair Rent Commission and the Board of Ethics. The committee concluded that all four commissions were viable and of service to the community.

Mr. Mazzuchelli made a motion to reestablish the Danbury Commission for Persons with Disabilities, the Danbury Aquifer Protection Agency, the Danbury Fair Rent Commission and the Board of Ethics for a term of five years in accordance with Section 2-176 of the Code of Ordinances and to defer it to public hearing. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on May 22, 2002 immediately following a public hearing in the Common Council Chambers in City Hall. No members of the public addressed the Common Council during the public hearing.

Mr. Nolan made a motion to approve the report and re-establish the Danbury Commission for Persons with Disabilities, the Danbury Aquifer Protection Agency, the Danbury Fair Rent Commission and the Board of Ethics for a term of five years in accordance with Section 2-176 of the Code of Ordinances. Seconded by Mr. Shuler. Motion carried unanimously.

The reports were received and the recommendations approved on the Consent Calendar.

41 – REPORT – Ice Rink

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the ice rink met on May 14, 2002 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, John Esposito, Saadi, Null and Nolan. Also in attendance were Attorney Robert Yamin and Attorney Eric Gottschalk, Director of Finance Dominic Setaro, Director of Public Works William Buckley and Council Members Gogliettino, Darius and Basso, ex-officio, as well as members of the public.

Mr. Levy asked Attorney Gottschalk to give an oversight of the mandate and to explain the span of authority of the committee. Attorney Gottschalk stated that from his review of the request, Mr. Null is requesting a review of the ice rink project in its entirety. This is an extremely broad charge. The committee can choose to determine its own parameters so long as the subject matter is limited to the project.

Mr. Setaro stated that he prepared two documents. One has been provided to some Council Members previously. It is in alphabetical order by vendors. It also shows costs that are associated with legal fees, operating costs until the rink was sold, costs against escrow, bills paid against the Corporation Counsel and bills paid against public buildings. The other document was a breakdown of legal fees for the project. To date, of the \$156,000 appropriated for public buildings, only \$132,648 has been expended. This report does not include any services provided by other departments. Time, such as that of a secretary, is not charged to the department. He also handed out a final breakdown of all costs except in-kind contributions of the department. There was \$10,322,941 spent on this project. This includes cost and settlements to Pavarini and Bucon. The settlements are spread out over several budget years. Proceeds used to offset this figure are \$1,864,472 from the escrow fund, \$4,700,000 from the sale of the rink, \$126,325 from the insurance company for damage to the floor. The net cost to the City was \$3,632,144. This was paid mainly through the Fund Balance.

Mr. Levy asked if Mr. Null had any statement he would like to make. Mr. Null stated that the only question he ever had was the true cost of the ice rink. He feels that an outside audit should be done.

Mr. Levy asked Mr. Buckley to address the project and any outstanding work left relating to finances. Mr. Buckley stated that he got involved in the project on June 6, 2000 when the City moved to take back the building. They commissioned DeCarlo and Doll who pointed out areas of concern in a report dated June 30, 2000. There was \$862,000 for architectural services. They went to the Common Council in October 2000 to settle Mancini for \$355,000. It was 71% of their lien amount. The project was full of surprises. There were changes made that were not authorized. The only remaining item to be completed is the elevator. The cost of \$17,125 has been modified by a \$3,000 amount and a \$1,000 amount. They are waiting for the State to come down and inspect it. The current owner is hooking up alarms. The cost to purchase elevators was \$46,000.

Mr. Null asked if the cost is just for the first floor. Mr. Buckley said it would not be fair to say that no money was spent on the second floor. There was some cost for heating and air conditioning. When we went in, the second floor was open. Walls had to be constructed. Mr. Saadi asked with regard to in-kind contributions could we estimate what those dollar appropriations were, and also the issue that the escrow fund had fallen below what the City needed to complete the project. Mr. Setaro stated that Mr. Null made a request to Mr. Buckley as to personnel hours. That number is 3,600. We have been reimbursed in the amount of \$14,000. Regarding the escrow account, when the Arclce project reached 50% it was required to certify that there was 50% left. The first request was rejected because change orders were estimated. They added another \$4,000,000 to their estimate. We pulled the plug because contractors started to call to say they were not being paid.

Mr. Null asked what the cost of removing the slab was. He asked what the rink actually cost the taxpayers. Mr. Levy asked what the expanse of the committee's authority is. Attorney Gottschalk stated that the damage caused by Jack Errichetti should be separate and apart from the cost of the ice rink. Mr. Nolan stated that he would agree with Mr. Null that the cost of a project begins with the genesis of the project. It began with concessions to Are IceSports that would not undertake the project without the removal of the slab. In the end, there is concern about the public's knowledge as to the cost of the rink. Mr. Levy said he was not prepared to go into redevelopment of the entire downtown area.

Mr. Nolan moved that the committee respond to the petitioner's request by asking Mr. Setaro and Mr. Buckley for an accounting of financial matters relating to the ice rink rendering from Errichetti to conclusion in a scope limited to information on hand. Seconded by Mr. Null. Mr. Saadi offered a friendly amendment that costs be defined as cost of the slab removal incurred by the City, in addition to the documents already provided. Mr. Nolan seconded the amendment. Mr. Setaro stated that the appropriation was \$320,000. Mr. Saadi then said that the motion and the amendment were moot because the information has been provided. The motion and amendment were withdrawn.

Mr. Saadi made a motion to recommend that the Common Council take no action at this time, as the petitioner is satisfied. Seconded by Mr. Nolan. Motion carried unanimously.

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

42 – REPORT – 76-78 Balmforth Avenue

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review 76-78 Balmforth Avenue met on May 15, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Buzaid and Scozzafava. Also in attendance were Director of Public Works William Buckley, Corporation Counsel Eric Gottschalk, Council Members Levy and Basso, ex-officio and members of the public.

Mr. Scozzafava asked what the recommendation of the Planning Commission was. Mr. Buzaid said there was a negative recommendation. Mr. Levy said he

resubmitted the request because the Engineering Department did not have a problem with it. The Planning Commission had some misinformation.

Mr. Buckley said he researched the filed and found a letter dated December 4, 2001 asking the City to either deed the parcel to Mr. Miller for his agreement to maintain the property and give us an easement to get on the property, or for the City to grant to Mr. Miller an easement giving him exclusive use of the property. Parking was to be used by Mr. Miller, but shared with various organizations in the evening. We cannot find that agreement. He has no objection to giving him the right to park, but we would not want to give up ownership of the property because it is a major watercourse.

Mr. Levy stated that there is no agreement. The organizations have their own parking across the street with the new building. Attorney Gottschalk stated rather than conveying a fee easement, we might want to enter into a contract. Mr. Buzaid said we would rather keep it simple and maintain title. Mr. Buckley said that we could protect our rights in a license agreement.

Mr. Scozzafava made a motion to enter into a revocable license agreement for a term of ten years at \$1.00 per year in accordance with terms acceptable to the Corporation Counsel. Seconded by Mr. Buzaid. Motion carried unanimously.

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

#### 43 – REPORT – Ta'Agan Point Water System Improvements – Preliminary Assessments

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on May 22, 2002 immediately following a public hearing in the Common Council Chambers in City Hall.

Mr. Levy asked Mr. Buckley to respond to the issues raised regarding the Ta'Agan Point Preliminary Water Assessments. Mr. Buckley stated that the cost of the project was \$374,000. He took into consideration the \$300,000 grant from the State and assessed every property according to the required formula. He explained the placement of the water lines and answered questions about the design plan. He also explained how the Enterprise Fund works. He also gave a history of the Pleasant Acres project. In answer to Mr. Nolan's question he stated that after the needed easements are acquired, he needs six months total to complete the project.

Mr. Furtado asked if the pump station could be added to the assessment. Attorney Pinter said that the law allows the Common Council to include any costs. If the department that reviews the cost determines that certain costs should be part of the assessment, they can be included.

Mr. Saadi made a motion to recommend to the Common Council approval of the preliminary assessments for the Ta'Agan Point Sewer Project. Seconded by Mr. Shuler. Motion carried with Mr. Furtado voting in the negative.

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

#### 44 – REPORT – Richmond Avenue Final Sewer Assessments

Mr. Levy submitted the following reports:

The Common Council met as a committee of the whole immediately following a public hearing on May 22, 2002 in the Common Council Chambers in City Hall. No members of the public addressed the Common Council at this hearing.

Mr. Saadi made a motion to adopt the Final Sewer Assessments on Richmond Avenue. Seconded by Mr. Machado. Motion carried unanimously.

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

45 – REPORT – Request for Sewer and Water Extensions – 113 and 115 Clapboard Ridge Road

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 113 and 115 Clapboard Ridge Road met on May 16, 2002 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Shuler and Dittrich. Mr. Null was absent. Also in attendance was Dan Bertram, Executive Vice President of BRT.

Mr. Shuler read the negative recommendation from the Planning Commission for lack of information. Mr. Bertram said that he would present a new set of plans to the Planning Department.

Mr. Dittrich made a motion to take no action at this time. Seconded by Mr. Shuler. Motion carried unanimously.

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

46 – REPORT – Road Maintenance on Marjorie Manor

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request for road maintenance on Marjorie Manor met on January 30, 2002 and again on May 13, 2002. In attendance were Committee Members McAllister, Nolan and Scozzafava, as well as Director of Public Works William Buckley.

Mr. McAllister noted that the petitioner, Manuel Machado, has been and still is, unable to attend any meetings due to his ongoing legal problems. Mr. McAllister also noted that he made numerous attempts to have someone else from the area attend the meeting but no one has shown an interest.

Mr. Scozzafava made a motion to close the committee and take no action at this time. Seconded by Mr. Nolan. Motion carried unanimously.

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

47 – REPORT – Request for Sewer and Water Extensions on Pembroke Road

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Pembroke Road met on May 13, 2002 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members McAllister and Dittrich. Also in attendance were Director of Public Works William Buckley and the petitioner, Jim Rotondo.

Mr. McAllister read the Planning Commission report stating that they are waiting for engineering review. Mr. Buckley pointed out the property on the map and stated that he was concerned about the water supply. Because of the grades there was not enough water pressure in the mains. He worked with the petitioner and discussed other ways to make the project work. He suggested tying into the pump station at the end of Jeanette Street. They are still waiting for cost estimates. Mr. Buckley stated although committees usually wait for planning reports, you could approve and add a ninth step contingent on Planning approval. Mr. Buckley said there was no problem with the sewer extension.

Mr. Dittrich made a motion to approve the request for sewer and water extensions on Pembroke Road subject to the normal eight steps, with an additional ninth step requiring Planning Commission approval. Seconded by Mr. McAllister. Motion carried unanimously.

The report regarding sewer and water extensions on Pembroke Road was received on the Consent Calendar and its recommendations approved subject to a positive recommendation of the Planning Commission.

#### 48 – REPORT – Review of Litigation Expenses

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review Litigation Expenses met on May 13, 2002 at 7:00 P.M. in Conference Room 3C in City Hall. In attendance were committee members Gallagher, Mazzuchelli and Nolan. Also in attendance were Corporation Counsel Robert Yamin and Council President Warren Levy, ex-officio.

Mr. Gallagher began the meeting by asking Mr. Yamin for an overview of his request. Mr. Yamin explained that his request was for an additional \$331,000 with \$293,000 covering litigation expenses. Out of the \$293,000, \$18,000 was for cases already settled (Bucon and Pavarini); \$117,000 was for outstanding litigation (landfill - \$70,000, Union Carbide – 17,000, other ongoing - \$30,000) and the remaining \$158,000 was for past due bills. Mr. Yamin stated that in the future, litigation expenses would be more closely monitored and reported on a more consistent basis.

Mr. Mazzuchelli asked how specific litigation expenses were reported and monitored. Mr. Yamin stated that his office, the Mayor's Office and the Finance Department each reviewed the individual bills. Mr. Levy suggested that we monitor the expenses more regularly and, perhaps, even set financial plateaus to coincide with to coincide with periodic reviews. The committee and Mr. Yamin were in general concurrence with this suggestion.

Mr. Nolan moved to recommend to the Common Council approval of the balance of the stated litigation expenses, pending certification. The motion was seconded by Mr. Mazzuchelli and approved unanimously.

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

49 – DEPARTMENT REPORTS – Department of Elderly Services, Fire Chief, Police Chief, Fire Marshall, Engineering, Welfare, Public Works, Health and Housing. Mr. Levy made a motion that the reports be accepted as presented and the reading waived as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

#### 50 – COMMUNICATION – Donation to the Police Department

Letter from Chief of Police Robert Paquette requesting permission to accept a donation in the amount of \$455.00 from the graduating class of the 9<sup>th</sup> Citizen Police Academy. Mr. Dittrich made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

51 – Mr. Levy made a motion to add item 43, making it item 53, Ta'Agan Point Water System – Preliminary Assessments. Seconded by Mr. Moore. Motion carried with six members voting in the negative.

Mr. Levy made a motion to amend the motion in the report to add that the project is authorized to move forward to completion. Seconded by Mr. Gogliettino. Motion carried with Mr. Furtado voting in the negative.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 8:15 by Mr. Gogliettino for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk