

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held August 6, 2002

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

PRESENT – Nolan, McAllister, Null, Mazzuchelli, Dean Esposito, Shuler, Levy, John Esposito, Saadi, Dittrich, Basso, Darius, Gogliettino, Moore

ABSENT – Kelly, Buzaid, Machado, Scozzafava, Furtado, Gallagher, Neptune

14 PRESENT – 7 ABSENT

Members Kelly, Gallagher and Neptune were on vacation and Mr. Scozzafava had a work commitment.

PUBLIC SPEAKING

Mark Nolan, 37 Brushy Hill Road – spoke on item 22, skateboarding in CityCenter

Dr. Robert Joy, 21 Ridge Road – Spoke in favor of appropriating funds for the HUSKY Outreach Program

Tom Devine, 2B and 5 Ives Street – spoke about skateboarding on the sidewalks in CityCenter

Chris Cushnick, 37 Stone Street – spoke in support of the HUSKY Outreach Program

Noel Roy, Ives Street – Skateboards are a nuisance and a liability in CityCenter

Fiorella Almader, 52 Pleasant Street – spoke in favor of the HUSKY Outreach Program

MINUTES – Minutes of the Common Council Meeting held July 2, 2002. Mr. Levy made a motion to adopt the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

CONSENT CALENDAR – John Esposito presented the following items for the Consent Calendar:

7 – Approve the appointment of Thomas Elliott as a member of the Lake Kenosia Commission

8 – Approve the appointment of Edward Prybylski as a member of the Conservation Commission

9 – Approve the appointment of Shailesh Nagarsheth as a member of the Environmental Impact Commission

10 – Approve the appointment of Sue Mazzucco as a member of the Fair Rent Commission

18 – Approve the transfer of \$956.46 from the Elderly Services Donations Account to the Commission on Aging budget as described

19 – Approve the transfer of \$880.18 from the Elderly Services Donations Account to the Commission on Aging budget as described

20 – Approve the appropriation of \$20,000 to the Fire Department Special Services Account as prescribed by the Director of Finance

- 21 – Approve the transfer of \$6,700.00 from the hydrant meter deposit account to account 9802.8016 meters account subject to certification of funds by the Director of Finance

- 33 – Approve the Reappropriation of \$260,000 for the Chlorine Gas conversion project subject to certification of funds by the Director of Finance

- 34 – Approve the Reappropriation of \$95,834.83 to the Water Fund and \$9,871.78 to the Sewer Fund as certified by the Director of Finance

- 37 – Receive a report and forward to the Danbury Housing Authority for review

- 38 – Receive a report and take no action at this time regarding the request to purchase Lake Kenosia property

- 41 – Receive a report and adopt its recommendations regarding a sewer extension at 94 Mill Plain Road

- 42 – Receive a report and adopt its recommendations regarding a sewer extension to the Lakeview Community

- 43 – Receive the report and adopt its recommendation to take no action at this time regarding a lease with New England Aircraft

- 44 – Receive a report and adopt its recommendations regarding a sewer extension at 100 and 102 Federal Road

- 45 – Receive a report and adopt its recommendations regarding an ordinance amendment to parking violation fines

- 46 – Receive a report and adopt its recommendations regarding an ordinance amendment to designating voting precincts

- 47 – Receive a report and adopt the Government Entities Review and Evaluation Ordinance

- 48 – Receive a report and adopt its recommendations regarding an ordinance amendment regarding sewer and water connection fees

- 49 – Receive a report and adopt its recommendations regarding the Reliant Aircraft lease

- 50 – Receive a report and adopt its recommendations regarding a request to amend an affordable housing contract

- 51 – Receive a report and adopt its recommendations regarding acquisition of open space property on Terre Haute

- 53 – Approve the appointment of Paula Mirabile-Baker as a member of the Aviation Commission

- 54 – Approve the appointment of Thomas Pinkham, Jr. as an alternate member of the Environmental Impact Commission

Mr. Gogliettino made a motion that the Consent Calendar be adopted as read. Seconded by Mr. Shuler. Motion carried unanimously. Mr. Darius read a statement that is on file in the clerk's office.

1 – RESOLUTION – Authorization for CT DEP Reports

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes Section 22a-174 and associated State Regulations governing air pollution control measures require municipal officials to submit

periodic reports of compliance to the Department of Environmental Protection of the State of Connecticut; and

WHEREAS, it is in the best interests of the City of Danbury to provide authorization to designated municipal officials to certify, submit or sign applications, permits or other related documents to the State of Connecticut for the purposes specified in the Statute and Regulations;

NOW, THEREFORE, BE IT RESOLVED THAT City of Danbury Mayor Mark D. Boughton or his representative the Director of Public Works, William J. Buckley, Jr., and/or the Superintendent of Public Utilities, Mario Riconzi, or their successors in title be and hereby are empowered to execute and deliver in the name of the City of Danbury, to the State of Connecticut Department of Environmental Protection any permit application, report or certification or any document(s) associated therewith which must be certified in accordance with Section 22a-174-2a of the Regulations of Connecticut State Agencies.

Mr. McAllister made a motion to receive the communication and to adopt the communication. Seconded by Mr. Gogliettino. Mr. Saadi offered the following friendly amendment, seconded by Mrs. Basso:

To be inserted after the second Whereas paragraph:

WHEREAS, it is in the best interest of the City of Danbury for said designated municipal officials to provide periodic reports to the Common Council regarding actions taken pursuant to said authorization.

To be inserted after Now, Therefore paragraph:

BE IT FURTHER RESOLVED THAT said empowered officials, or their successors in title, shall provide summary narratives to the Common Council on a monthly basis, to include, but not limited to: (1) the purpose of; (2) timeliness of filing of; and (3) outstanding liabilities associated with said certifications, submissions or signed applications, permits or other said associated documents.

BE IT FURTHER RESOLVED THAT where it is in the best interest of the City of Danbury, said summary narratives shall not include information deemed by said empowered officials exempt from disclosure pursuant to Connecticut General Statutes Sections 1-200 et seq.

Motion carried unanimously.

2 – RESOLUTION – Main Street North Streetscape

RESOLVED by the Common Council of the City of Danbury:

Federal Project No. TEA-1034 (104)
State Project No. 34-302
City Project No. 98-08

PROJECT: Main Street North TEA-21 Streetscape Project
(Construction, Inspection & Maintenance)

THAT, Mark D. Boughton, Mayor of the City of Danbury, be and hereby is authorized to sign the agreement entitled "AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE OF THE MAIN STREET NORTH STREETSCAPE UTILIZING FEDERAL FUNDS UNDER THE ENHANCEMENT COMPONENT OF THE SURFACE TRANSPORTATION PROGRAM", together with such other supplemental or related and necessary documents as may be necessary for the accomplishment of the purposes thereof.

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

3 – RESOLUTION –Phytoremediation Demonstration Project

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 \$50,000.00 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 \$50,000.00 phytoremediation demonstration project on the City owned property on Barnum Court;

WHEREAS, the EPA has recently informed the City of Danbury of its intent to award this grant with the opportunity for providing \$55,162.00 which is \$5,162.00 more than the City applied for; and

WHEREAS, the total project amount, referenced in the Cooperative Agreement is \$61,085.00, which includes \$5,923.00 in in-kind services representing the City's contribution to the project.

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 \$55,152.00 for this grant.

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

4 – RESOLUTION – Recreational Trails Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, in 1999 applied for and was awarded a Recreational Trails Grant, amounting to \$24,000 for the purpose of extending the handicap access walkway at the Still River Greenway to the site of the Commerce Park pedestrian bridge; and

WHEREAS, the grant period on the original grant was from 9/15/99 – 9/15/02; and

WHEREAS, the installation of this handicap access zone necessitated the completion of the Commerce Park pedestrian bridge, which was finished in May, 2002 and further funding, which is now in place; and

WHEREAS, the construction of the handicap walkway will take at least one additional year; and

WHEREAS, the Connecticut Department of Environmental Protection (DEP) is amendable to providing a three-year extension, pending a reauthorization of the original Service Agreement with DEP that provides this specifies this revised Contract period.

NOW THEREFORE BE IT RESOLVED that Mark Boughton as Mayor of the City of Danbury is hereby authorized to sign all documents necessary to effectuate this time extension for the 1999 Recreational Trails grant.

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

5 – COMMUNICATION – Donation from the United Way

Letter from Mayor Mark Boughton requesting authorization to accept a donation in the amount of \$600 for the basketball program at Morris Street School. 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. McAllister. Motion carried unanimously.

6 – COMMUNICATION – WITHDRAWN

7 – COMMUNICATION – Reappointment to the Lake Kenosia Commission

Letter from Mayor Boughton requesting confirmation of the re appointment of Thomas Elliott to the Lake Kenosia Commission for a term to expire May 1, 2005. The appointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Reappointment to the Conservation Commission

Letter from Mayor Boughton requesting confirmation of the reappointment of Edward Prybylski to the Conservation Commission for a term to expire July 1, 2005. The reappointment was confirmed on the Consent Calendar.

9 – COMMUNICATION – Reappointment to the Environmental Impact Commission

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

10 – COMMUNICATION – Appointment to the Fair Rent Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of Sue Mazzucco to the Fair Rent Commission for a term to expire July 1, 2005. The appointment was confirmed on the Consent Calendar.

11 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the amount of \$150.00. Mr. Moore made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

12 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Sicienski requesting permission to accept donations in the amount of \$800. Mr. McAllister 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.

13 – COMMUNICATION – Donation for the Still River Pedestrian Bridge

Donation of rip-rap and transportation for bank stabilization for the Still River Pedestrian Bridge from Peder Scott. Mrs. Basso made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Still River Greenway

Donation from the Lillinonah Chapter of the National Audubon Society for the purchase of native flowering shrubs for the bird sanctuary at the terminus of the Still River Greenway. Mr. Gogliettino made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

15 – COMMUNICATION – Donation to the Still River Greenway

Letter from Jack Kozuchowski requesting permission to accept a donation of \$4,000 from the Emerson Foundation for the Still River Greenway. Mrs. Basso made a motion to receive the communication, accept the donation, credit the appropriate line item and send letters of thanks. Seconded by Mr. Darius. Motion carried unanimously.

16 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$362.18 for the Danbury Senior Center. Mr. Saadi made a motion to receive the communication, accept the donations, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Dittrich. Motion carried unanimously.

17 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$556.46 for the use of the Danbury Senior Center. Mr. Nolan made a motion to receive the communication, accept the donation, credit the appropriate line item and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

18 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$956.46 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

19 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$880.18 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

20 – COMMUNICATION – Fire Department Special Services Account

Request from Fire Chief Peter Siecienski requesting that the sum of \$20,000 be transferred into the Special Services Account due to long term Fire Watch situations for the Danbury Housing Authority and Avalon Lakes Condominiums. The transfer of funds was authorized on the Consent Calendar.

21 – COMMUNICATION – Forfeited Hydrant Meter Rental Deposits

Request from Superintendent of Public Utilities Mario Ricosi that the amount of \$6,700 be transferred from the hydrant meter deposit account into account 9802.8016 meters. The transfer of funds was authorized on the Consent Calendar, pending certification of funds by the Director of Finance.

22 – COMMUNICATION – Use of Sidewalks

Letter from Mayor Boughton requesting that an ad hoc committee be appointed to review available options and recommend a solution regarding the use of bicycles and skateboards on sidewalks in the downtown special services district. Mr. Gogliettino asked that this be referred to an ad hoc committee, the Chief of Police, the Corporation Counsel and the Director of the Downtown Special Services District. Mayor Boughton so ordered and appointed Council Members Mazzuchelli, Dean Esposito and Basso to the committee.

23 – COMMUNICATION – Board of Education Budget Deficit

Letter from Council President Warren Levy requesting that an ad hoc committee be appointed to review the Board of Education Budget Deficit. Mr. Moore asked that this be referred to an ad hoc committee, the Mayor, the Chairman of the Board of Education, the Acting Superintendent of Schools, and the Directors of Finance for the City and the School Board. Mayor Boughton so ordered and appointed Council Members Levy, Saadi and Nolan to the committee.

24 – COMMUNICATION – Defibrillators in Municipal Buildings

Letter from Council Member Thomas Saadi requesting that an ad hoc committee be appointed to determine whether or not the City should place automatic defibrillator systems in municipal buildings utilized by the public. Mr. Darius asked that this be

referred to an ad hoc committee, the Corporation Counsel, the Director of Emergency Services, the Superintendent of Public Buildings and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Saadi, Gogliettino and Dittrich to the committee.

25 – COMMUNICATION – Request for Water Connection – 11 South Cove Road

Dean Esposito asked that this be referred to the Superintendent of Public Works for a report back within thirty days. Mayor Boughton so ordered.

26 – COMMUNICATION – Request for Water Assessment – 7 & 9 Moody Lane

Mr. Moore asked that this be referred to an ad hoc committee and the Superintendent of Public Works. Mayor Boughton so ordered and appointed Council Members Neptune, Null and Basso to the committee.

27 – COMMUNICATION – Request for Sewer and Water Extensions – 91 Miry Brook Road

Mr. McAllister asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Machado, Buzaid and Nolan to the committee.

28 – COMMUNICATION – Request for Sewer and Water Extensions – 19 Westville Avenue

Mr. McAllister asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the Planning Commission. The Mayor so ordered and appointed Council Members Darius, Kelly and Scozzafava to the committee.

29 – COMMUNICATION – Request for Sewer Extension – 9 Forest Avenue

Mr. Moore asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the Planning Commission. Mayor Eriquez so ordered and appointed Council Members Gogliettino, Moore and Dittrich to the committee.

30 – COMMUNICATION – Request for Sewer and Water Extensions – Lakeview

Mr. Saadi asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Kelly, Mazzuchelli and Basso to the committee.

31 – COMMUNICATION – Request to Purchase City Land on Maplewood Drive

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

32 – COMMUNICATION – Request for Water Assessment Process – Ivy Lane

Mr. Darius asked that this be referred to the Director of Public Works to begin the assessment process. Mayor Boughton so ordered.

33 – COMMUNICATION – Request for Water Fund Appropriations – Capital Projects

Request from Superintendent of Public Utilities Mario Ricoszi requesting that the sum of \$260,000 be reappropriated from the Water Fund for the conversion of chlorine gas to Sodium Hypochlorite at the West Lake Plant. The Reappropriation was approved on the Consent Calendar.

34 – COMMUNICATION – Water and Sewer Fund Appropriations

Request for the Reappropriation of \$95,834.83 to the Water Fund account and \$9,871.78 to the Sewer Fund accounts that were unspent for capital projects and

equipment purchases at the end of the fiscal year. The Reappropriations were approved on the Consent Calendar.

35 – COMMUNICATION – Tamarack Investments – 45A Miry Brook Road

Request for installation of a sewer line from Wallingford Road to the Miry Brook site and the construction of a pump station. Mr. Gogliettino asked that this be referred to an ad hoc committee, the Superintendent of Public Works, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Gallagher, Furtado and Nolan to the committee.

36 – COMMUNICATION – Request for Sewers on Deepwood Drive

Mr. Moore asked that this be referred to the Superintendent of Public Works to begin the sewer assessment process. Mayor Boughton so ordered.

37 – COMMUNICATION – Report regarding request to purchase land on Terre Haute.

Report from the Director of Public Works William Buckley stating that the Housing Authority of the City of Danbury presently owns this land. The report was received on the Consent Calendar and forwarded to the Housing Authority for review.

38 – COMMUNICATION – Reports regarding request to purchase property on Lake Kenosia

Reports from the Corporation Counsel, the Superintendent of Public Works and the Director of Parks and Recreation regarding the request to purchase property on Lake Kenosia. The reports were received on the Consent Calendar and no action taken.

39 – COMMUNICATION – Report regarding request for Water Extension on Pembroke Road

Mr. McAllister asked that this be referred to an ad hoc committee, the Superintendent of Public Works, the Corporation Counsel and the Director of Finance. Mayor Boughton so ordered and appointed Council Members McAllister, Null and Scozzafava to the committee.

40 – COMMUNICATION – Report regarding HUSKY Program

Report from the Director of Welfare and the Director of Health and Housing recommending that the request for \$20,000 to the Danbury VNA for the HUSKY Program be approved. Mr. Nolan made a motion to receive the report and appropriate \$20,000 for the HUSKY Outreach Program. Seconded by Mrs. Basso. Dean Esposito asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Moore, Dean Esposito and Basso to the committee.

41 – REPORT – Request for Sewer Extension – 94 Mill Plain Road

Mr. Moore submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 94 Mill Plain Road met on July 23, 2002 in the Third Floor Caucus Room in City Hal. In attendance were committee members Moore, Darius and Dittrich. Also in attendance were Director of Public Works William Buckley, Attorney Paul Jaber and Mike Riefenhauser from Weeks Automotive and Council Member Pauline Basso, ex-officio.

Mr. Moore read the positive recommendation from the Planning Commission. He asked Mr. Buckley for an overview of the request. Mr. Buckley said that this is a request for sewers. Water is available at the site. The approximate cost to Weeks would be \$100 per linear foot. Mr. Darius asked if there were any foreseeable issues that should concern the Common Council. Mr. Buckley felt that there were no outstanding issues and recommended approval subject to the required eight steps.

Mr. Darius made a motion to approve the request for sewer extension subject to the required eight steps. Seconded by Mr. Dittrich. Motion carried unanimously.

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

42 – REPORT – Request for Sewer Extension – Lakeview Community

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at the Lakeview Community met on July 23, 2002 at 7:25 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Shuler, Machado and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner, Keith Jensen.

Mr. Shuler noted the positive recommendation from the Planning Commission. Mr. Buckley stated that there is a plan for this area. Necessary easements have been obtained and he would recommend moving forward with assessment procedure.

Mr. Machado made a motion to recommend that the Common Council authorize the proceedings for preliminary assessments, consistent with the assessment methodology and Code of Ordinances and public hearing. Seconded by Mrs. Basso. The motion carried unanimously.

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

43 – REPORT – New England Aircraft Lease

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the New England Aircraft Lease met on July 10, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Moore and Dittrich. Also in attendance were Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Director of Planning Dennis Elpern, Ron Whelan of New England Aircraft, Attorney Rosenberg representing Rob Zohn and members of the public.

Mr. Furtado asked Attorney Pinter to explain the lease. Attorney Pinter stated that the Aviation Commission has been trying to make leases at the Airport as uniform as possible. New England Aircraft is an airport tenant, which is limited to one acre. The Aviation Commission has recommended a ten-year lease with no renewal option at a price of \$48,000 per year, a CPI component and other provisions. Paragraph three states that the tenant would pay property taxes. Paragraph four stated that the building structures would revert to the City when the lease expires. Mr. Whelan stated that this lease came out of nowhere and is unacceptable.

Mr. Moore made a motion to refer this lease back to the Aviation Commission. Seconded by Mr. Dittrich. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendation to take no action at this time adopted.

44 – REPORT – Request for Sewer Extension – 100 & 102 Federal Road

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 100 & 102 Federal Road met on July 11, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly and Mazzuchelli. Also in attendance were Director of Public Works William Buckley, the engineer for the petitioner Jim Rotondo and Council President Warren Levy, ex-officio.

Mr. Kelly read the charge of the committee and noted the positive recommendation of the Planning commission. Mr. Buckley explained the project and answered questions from the committee. Mr. Buckley said he would recommend approval of this project subject to the standard eight steps.

Mr. Mazzuchelli made a motion to recommend approval of this project subject to the standard eight steps. Seconded by Mr. Kelly. Motion carried unanimously.

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

45 – REPORT & ORDINANCE – Parking Violation Fines

Mr. Levy submitted the following report:

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

Mr. Gallagher made a motion to approve the ordinance as amended. Seconded by Dean Esposito. Motion carried unanimously.

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

THAT Section 19-4 of the Code of Ordinances of Danbury, Connecticut is hereby repealed and the following new Section 19-14 is established to read as follows:

Sec. 19-4. Penalty.

- (a) Any person violating the provisions of this Article as set forth in this subsection shall be fined in accordance with the following schedule:

<u>Parking Violation</u>	<u>Fine</u>	<u>Code Section</u>
Obstructing Sidewalks	\$50	19-36
25 Ft of Corner	\$25	19-32
On Crosswalk	\$25	19-56
Front of Driveway	\$25	19-32
Obstructing Traffic/Intersections	\$25	19-32
Fire Hydrant	\$50	19-33
Fire Zone	\$50	19-62
Fire Lane	\$50	19-62
Loading Zone	\$50	19-56
Snow Emergency	\$50	19-60
Violation of Signs	\$25	
Other	\$50	

- (b) Except as otherwise specifically set forth in subsection (a) hereof, the violation of any rule, regulation or order promulgated by the Traffic Authority of the City of Danbury shall be punishable by a fine established in accordance with State Law and as established by the Traffic Authority.

(c(1) Except as provided herein, any person violating any provision of this Article shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than thirty (30) days or both.

(2) Fines payable in accordance with subsection (a) hereof shall be remitted to the City of Danbury within seven (7) days of the issuance of a summons or citation. If any fine is not paid within seven (7) days, a penalty in an amount equal to the original fine shall immediately become due and payable in addition to the original fine.

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

THAT Section 19-36 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 19-36. Obstructing sidewalks.

No person shall park any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal. For purposes of this section the term "public sidewalk" shall be defined to include that portion of the public highway right-of-way located within the area lying between the edge of the road pavement and a line outside of said pavement, parallel to said pavement edge and located eight (8) feet there from.

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

THAT Subsection (b) of Section 19-56 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 19-56. Designation of towing zones by the traffic authority

- (c) in the event a vehicle is parked in a designated towing zone but has not been removed or caused to be removed by the Danbury Police Department, the owner of the vehicle or his agent shall pay a fine for such illegal parking.

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

THAT Subsection (b) of Section 19-62 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 19.62. Fire lanes and fire zones.

- (b) No person shall park or permit to stand, a motor vehicle in the fire zone or fire lane so established except when actually picking up or discharging passengers. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

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

THAT subsection (b) of Section 19-33 of the Code of Ordinances of Danbury, Connecticut is hereby deleted and subsection c is substituted in its place, so that the amended Section 19-33 shall read as follows:

Sec. 19-33. Obstructing fire hydrants.

- (a) Prohibited. No vehicle shall stop at or obstruct any fire hydrant within a distance of ten (10) feet from either side of said hydrant.
- (b) Authority to issue summons. The fire marshal, any deputy fire marshal or fire inspector and any police officer of the City shall be and hereby is authorized and empowered to issue summonses for violations of this section.

The report was received on the Consent Calendar and the ordinances adopted.

46 – REPORT and ORDINANCE – Voting Precincts Designated

Mr. Levy submitted the following reports:

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

Mr. Levy asked the Registrars of Voters if they would like to comment. Mrs. Natale stated that due to redistricting, Danbury now has a new legislative house seat. Mrs. Natale said this is a temporary move until new ward lines are drawn. This change would eliminate the need to set up voting machines in wards that have very few voters. Mr. Levy stated that this would cover the November 2002 election. The Common Council is required to adopt redistricting by March 2003.

Mr. Gallagher made a motion to recommend approval of the ordinance amendment. Seconded by Mr. Shuler. Motion carried unanimously.

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

Sec. 2-4.3. Voting wards of city.

The seven (7) wards of the City of Danbury are designated and bounded as follows, reference being to the centerline of all streets and highways mentioned:

FIRST WARD: Commencing at the point where the highway known as Ball Pond Road intersects the boundary line of the City of Danbury and the Town of New Fairfield, thence southeasterly and southerly along said Ball Pond Road to its intersection with Padanaram Road, thence southeasterly along Padanaram Road to Padanaram Avenue, thence southerly and easterly along Padanaram Avenue to North Street, thence southerly along North Street to south side of Interstate I-84, thence southwesterly along the south side of Interstate I-84 to Madison Avenue, thence easterly along Madison Avenue to Thorpe Street Extension, thence southerly along Thorpe Street Extension to Padanaram Brook, thence southeasterly along Padanaram Brook to North Street, thence southwesterly along North Street to Barnum Court, thence southerly along Barnum Court to Patch Street, thence westerly along Patch Street to Main Street, thence southerly along Main Street to Franklin Street, thence northwesterly along the following street and road, Franklin Street, Franklin Street Extension and Middle River Road to the intersection of West King Street, thence westerly along West King Street to the New York State line, thence northerly along the New York State line to the corner intersection with the Danbury-New Fairfield boundary line, thence easterly along the Danbury-New Fairfield boundary line to the point or place of beginning.

SECOND WARD: Commencing at a point located on the Danbury-New Fairfield boundary line, said point of beginning situated within the limits of Lake Candlewood and being one and two-tenths (1.2) miles westerly of the town bound stone marking the junction of the towns of New Fairfield and Brookfield and City of Danbury, thence generally southerly through the center, more or less, of Lake Candlewood to a point in Hayestown Road where said road is located on a dike of Lake Candlewood, said point being the approximate midpoint of the dike, thence northeasterly, southeasterly, and easterly along Hayestown Road to Great Plain Road, thence generally southerly along Great Plain Road to Germantown Road, thence southerly along Germantown Road to Hospital Avenue, thence westerly along Hospital Avenue to Fifth Street, thence northerly along Fifth Street to Virginia Avenue, thence westerly along Virginia Avenue and Virginia Avenue Extension to Tamarack Avenue, thence southerly along Tamarack Avenue to Hospital Avenue thence southerly along Hospital Avenue to Osborne Street, thence westerly along Osborne Street to Ellsworth Avenue, thence northwesterly and northeasterly along Ellsworth Avenue to the most northerly point in Ellsworth Avenue, thence through Wooster Cemetery to the southerly entrance to the Immanuel Lutheran Church cemetery at Tamarack Avenue, thence northwesterly along Tamarack Avenue to the north side of Interstate 84, thence westerly along the north side of Interstate 84 to Exit 6 to North Street, thence southerly along North Street to Padanaram Avenue, thence westerly and northerly along Padanaram Avenue to Padanaram Road, thence northwesterly along Padanaram Road to Ball Pond Road, thence northerly and northwesterly along Ball Pond Road to its intersection with the boundary line of the City of Danbury and the Town of New Fairfield, thence easterly along said Danbury-New Fairfield boundary line to the point or place of beginning.

THIRD WARD: Commencing at a stone bound marking the junction of the towns of Brookfield and New Fairfield and the City of Danbury and being the northeasterly boundary corner of the City of Danbury, thence southerly along the boundary of Danbury-Brookfield to the intersection of Federal Road, thence generally southwesterly along Federal Road to White Street, thence westerly along White Street to Locust Avenue, thence northwesterly along Locust Avenue to Osborne Street, thence westerly along Osborne Street to Hospital Avenue, thence northerly along Hospital Avenue to Tamarack Avenue to Virginia Avenue Extension, thence easterly along Virginia Avenue Extension and Virginia Avenue to Fifth Street, thence southerly along Fifth Street to Hospital Avenue, thence northeasterly and southerly along Hospital Avenue to Germantown Road, thence northerly along Germantown Road to Great Plain Road, thence generally northerly along Great Plain Road to Hayestown Road, thence generally westerly along Hayestown Road to a point in Hayestown Road at the approximate center of the dike of Lake Candlewood, thence generally northerly through the approximate

center of Lake Candlewood to a point on the Danbury-New Fairfield boundary line located within the limits of Lake Candlewood being one and two-tenths (1.2) miles westerly of the junction of the towns of New Fairfield and Brookfield and the City of Danbury, said junction marked by a stone bound, thence easterly along said boundary line to the point or place of beginning.

FOURTH WARD: Commencing at a point where the boundary line between the City of Danbury and the Town of Brookfield intersects the centerline of Federal Road thence running easterly along said boundary line to the intersection with the boundary line between the City of Danbury and the Town of Bethel, thence southerly, southwesterly and westerly along the City of Danbury and the Town of Bethel boundary line to the intersection with Coal Pit Hill Road, thence northwesterly along Coal Pit Hill Road to South Street, thence westerly along South Street to Main Street, thence northerly along Main Street to State Street, thence easterly along State Street to Town Hill Avenue, thence northerly along the following street and avenue, Town Hill Avenue to Nichols Street to Pahquioque Avenue, thence northerly across the Still River and through Danbury Railroad yard to the intersection of White Street and Moss Avenue, thence easterly along White Street to the former Seventh Avenue, thence northerly through former Seventh Avenue to Seventh and Osborne Street, thence northeasterly along Osborne Street to Locust Avenue, thence southeasterly along Locust Avenue to White Street, thence easterly along White Street to Federal Road, thence northeasterly along Federal Road to the point or place of beginning.

FIFTH WARD: Commencing at a point where Coal Pit Hill road intersects the boundary line between the City of Danbury and the Town of Bethel thence running southerly along the City of Danbury and the Bethel boundary line to the point where it intersects the boundary corner between said Danbury and the Town of Redding, thence westerly along the Redding boundary line to the point where it intersects the boundary corner between said City of Danbury and the Town of Ridgefield, thence northwesterly along said City of Danbury and Ridgefield boundary line to the point where it is intersected by Sugar Hollow Road (U.S. Route 7), thence northerly along Sugar Hollow Road (U. S. Route 7) to Wooster Heights Road, thence northeasterly along Wooster Heights Road to Southern Boulevard, thence southeasterly along Southern Boulevard to Blind Brook, thence northerly along Blind Brook to Jefferson Avenue, thence northerly along Jefferson Avenue to West Wooster Street, thence northeasterly along West Wooster Street to Deer Hill Avenue, thence northwesterly along Deer Hill Avenue to West Street, thence easterly along West Street to Main Street, thence northwesterly along Main Street to Patch Street, thence easterly along Patch Street to Barnum Court, thence northerly along Barnum Court to North Street, thence northeasterly along North Street to Padanaram Brook, thence northwesterly along Padanaram Brook to Thorpe Street Extension, thence northerly along Thorpe Street Extension to Madison Avenue, thence westerly along Madison Avenue to the south side of Interstate 84 to Tamarack Avenue, thence southeasterly along Tamarack Avenue to the southerly entrance to the Immanuel Lutheran Church cemetery, thence through Wooster Cemetery to the most northerly point in Ellsworth Avenue, thence southwesterly and southeasterly along Ellsworth Avenue to Osborne Street, thence easterly along Osborne Street to Seventh Avenue, thence southerly along Seventh Avenue and through former Seventh Avenue to White Street, thence westerly along White Street to the intersection of Moss Avenue, thence southerly through the railroad yard and across the Still River to the intersection of Pahquioque Avenue and Nichols Street, thence southerly along Nichols Street to Town Hill Avenue and State Street, thence southwesterly along State Street to Main Street, thence southeasterly along Main Street to South Street, thence northeasterly along South Street to Coal Pit Hill Road, thence southeasterly along Coat Pit hill to the point or place of beginning.

SIXTH WARD: Commencing at the point where the Sugar Hollow Road (U. S. Route 7) intersects the boundary line between the City of Danbury and the Town of Ridgefield, thence northerly and northwesterly along the City of Danbury and Ridgefield boundary line to the point where said boundary line between the City of Danbury and the Town of Ridgefield turns to the west, thence from said point northwesterly and westerly along Briar Ridge Road to Old Ridgebury Road, thence northerly along Old Ridgebury Road to Interstate 84, thence southeasterly along the middle of Interstate 84 to Kenosia Avenue, thence northerly along Kenosia Avenue to Mill Plain Road, thence generally easterly along the following road, avenue and street Mill Plain Road, Lake Avenue Extension, Lake Avenue and West Street to Beaver Street, thence northerly

along Beaver Street to Rose Hill Avenue thence northerly along Rose Hill Avenue to Franklin Street, thence easterly along Franklin Street to Main Street, thence southeasterly along Main Street to West Street, thence southwesterly along West Street to Deer Hill Avenue, thence southerly along Deer Hill Avenue to West Wooster Street, thence southwesterly along West Wooster Street to Jefferson Avenue, thence southerly along Jefferson Avenue to Blind Brook, thence southerly along Blind Brook to Southern Boulevard, thence northwesterly along Southern Boulevard to Wooster Heights Road, thence southwesterly along Wooster Heights Road to Sugar Hollow Road (U. S. Route 7), thence southerly and along Sugar Hollow Road (U. S. Route 7) to the point or place of beginning.

SEVENTH WARD: Commencing at the point where the boundary line between the City of Danbury and the Town of Ridgefield intersects the New York State line, thence northerly along the New York State and City of Danbury boundary line to West King Street, thence southeasterly along West King Street to Middle River Road, thence southerly and southeasterly along the following road and street, Middle River Road, Franklin Street extension and Franklin Street to Rose Hill Avenue, thence southeasterly along Rose Hill Avenue to Beaver Street thence southerly along Beaver Street to West Street, thence westerly, southwesterly and northwesterly along the following street, avenue and road, West Street, Lake Avenue, Lake Avenue Extension and Mill Plain Road to Kenosia Avenue, thence southerly along Kenosia Avenue to Interstate 84, thence northwesterly along the middle of Interstate 84 to Old Ridgebury Road, thence southerly along Old Ridgebury Road to Briar Ridge Road, thence easterly and southeasterly along Briar Ridge Road to a point where the boundary line between the City of Danbury and Town of Ridgefield turns to the west, thence westerly along City of Danbury and Town of Ridgefield boundary line to the point or place of beginning.

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

Sec. 2-4.2. Voting precincts designated.

Hereafter, there shall be fifteen (15) voting precincts within the limits of the City of Danbury as designated below:

- (1) That portion of the 138th Assembly District situated within the first municipal ward shall be designated as 1-138.
- (2) That portion of the 110th Assembly District situated within the first municipal ward shall be designated as 1-110.
- (3) That portion of the 138th Assembly District situated within the second municipal ward shall be designated as 2-138.
- (4) That portion of the 109th Assembly District situated within the second municipal ward shall be designated as 2-109.
- (5) That portion of the 109th Assembly District situated within the third municipal ward shall be designated as 3-109.
- (6) That portion of the 109th Assembly District situated within the fourth municipal ward shall be designated as 4-109.
- (7) That portion of the 110th Assembly District situated within the fourth municipal ward shall be designated as 4-110.
- (8) That portion of the 110th Assembly District situated within the fifth municipal ward shall be designated as 5-110.
- (9) That portion of the 2nd Assembly District situated within the fifth municipal ward shall be designated as 5-002.
- (10) That portion of the 109th Assembly District situated within the fifth municipal ward shall be designated as 5-109.

- (11) That portion of the 110th Assembly District situated within the sixth municipal ward shall be designated as 6-110.
- (12) That portion of the 2nd Assembly District situated within the sixth municipal ward shall be designated as 6-002.
- (13) That portion of the 138th Assembly District situated within the seventh municipal ward shall be designated as 7-138.
- (14) That portion of the 110th Assembly District situated within the seventh municipal ward shall be designated as 7-110.
- (15) That portion of the 2nd Assembly District situated within the seventh municipal ward shall be designated as 7-002.

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

47 – REPORT & ORDINANCE – Government Entities Review and Evaluation

Mr. Levy submitted the following report:

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

Mr. Saadi made a motion to recommend adoption of Sec. 2-176 as presented. Seconded by Mrs. Basso. Mr. Gallagher asked if any commissions had been deleted. Dean Esposito said they had not. He also stated that the City is very fortunate to have the quality of people that are willing to serve.

Motion carried unanimously.

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

THAT Section 2-176 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-176. Schedule of termination of government entities.

- (a) The following governmental entities are terminated, effective June 30, 2003, unless re-established in accordance with the provisions of section 2-184:

- (1) The Stanley Lasker Richter Memorial Park Authority.
- (2) The Conservation Commission.
- (3) The Environmental Impact Commission
- (4) The Tree Advisory Commission.
- (5) The Lake Kenosia Commission.
- (6) The Economic Development Commission.
- (7) The Youth Commission

- (b) The following governmental entities are terminated, effective June 30, 2004, unless re-established in accordance with the provisions of section 2-184:

- (1) The City of Danbury Cultural Commission.
- (2) The Commission on Aging.
- (3) The Parking Authority of the City of Danbury.

(c) The following governmental entities are terminated, effective June 30, 2005, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Redevelopment Agency of the City of Danbury.
- (2) The Housing Site Development Agency.
- (3) The Flood and Erosion Control Board of the City of Danbury.
- (4) The Tarrywile Park Authority.

(d) The following governmental entities are terminated, effective June 30, 2006, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Danbury parks and Recreation Commission.
- (2) The Danbury Housing Partnership.
- (3) The Aviation Commission.
- (4) The Commission on the Status of Women.

(e) The following governmental entities are terminated, effective June 30, 2007, unless re-established in accordance with the provisions of Section 2-184:

- (1) The Commission for Persons with Disabilities.
- (2) The Danbury Aquifer Protection Agency.
- (3) The Fair Rent Commission.
- (4) The Board of Ethics.

The report was received on the Consent Calendar and the Ordinance adopted.

48 – REPORT & ORDINANCE – Sewer and Water Connection Fees

Mr. Levy submitted the following report:

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

Mr. Buckley explained that this ordinance had already been approved but some verbiage had been reversed.

Mr. Gallagher made a motion to recommend approval of the Ordinances. Seconded by Dean Esposito. Motion carried unanimously.

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

THAT Subsection 21-48(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-48. Connection charges.

(a) Connection fee. If no prior water assessment has been paid on the premises to be connected to the Danbury public water system pursuant to section 21-56 et seq. hereof, or with respect to which the use it is to be charged by adding residential units or expanding the floor area of nonresidential or mixed uses, then no connection permit shall be issued and no actual connection made until a connection fee is paid to the city according to the following:

- (1) The connection fee for buildings devoted to residential uses shall be five hundred dollars (\$500.00) per dwelling unit, but in no event shall

said connection fee exceed two thousand five hundred dollars (\$2,500.00) per building; and

- (2) The connection fee for buildings devoted to either nonresidential or mixed uses shall be as follows:

Building Size (Floor Area s.f.)	Connection Fee
up to 10,000 s.f.	\$ 5,000.00
from 10,001 s.f. to 25,000 s.f.	\$ 10,000.00
from 25,001 s.f. to 75,000 s.f.	\$ 15,000.00
over 75,000 s.f.	\$ 20,000.00

Whenever a change in use results in the addition of residential units or the expansion of the floor area of a nonresidential or mixed use, the connection fee associated with said change in use shall be calculated by subtracting the connection fee that would be due hereunder for the old use from the connection fee that would be due hereunder for the new use.

Connection fees may be waived by action of the Common Council, provided that the city benefits from the connection by permitting future extension to said connection.

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

THAT Section 16-4(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

- (b) Connection fee. If no prior sewer assessment established in accordance with the provisions of section 16-50 of the Danbury Code of Ordinances has been paid on the premises to be connected to said sewer, or with respect to which the use is to be changed by adding residential units or expanding the floor area of nonresidential or mixed uses, then no permit shall be issued until a connection fee is paid to the City of Danbury according to the following:

- (1) The connection fee for buildings devoted to residential uses shall be five hundred (\$500.00) dollars per dwelling unit, but in no event shall said connection fee exceed two thousand five hundred (\$2,500.00) dollars per building.
- (2) The connection fee for buildings devoted to either nonresidential or mixed uses shall be as follows:

Building Size (Floor Area s.f.)	Connection Fee
up to 10,000 s.f.	\$ 5,000.00
from 10,001 s.f. to 25,000 s.f.	\$ 10,000.00
from 25,001 s.f. to 75,000 s.f.	\$ 15,000.00
over 75,000 s.f.	\$ 20,000.00

Whenever a change in use results in the addition of residential units or the expansion of the floor area of a nonresidential or mixed use, the connection fee associated with said change in use shall be calculated by subtracting the connection fee that would be due

hereunder for the old use from the connection fee that would be due hereunder for the new use.

Connection fees may be waived by action of the Common Council, provided that the City benefits from the connection by permitting future extension to said connection.

The report was received on the Consent Calendar and the Ordinances adopted.

49 – REPORT – Reliant Aircraft Lease

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the Reliant Aircraft Lease met on July 10, 2002 at 7:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Moore and Dittrich. Also in attendance were Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Wayne Toher of Reliant and Council President Warren Levy, ex-officio.

Mr. Furtado asked Attorney Pinter to review the lease. Attorney Pinter stated that the lease provides for an eight-year term, with two five-year renewal options. The City will own any construction at the termination of the lease. In order to sublet the property they must obtain permission from the Planning Commission. They must also abide by FAA regulations. The rental amount has been established at \$5,100 per acre for Airport property. Adjustment to the rent is contained in paragraph one. At the end of the initial eight-year lease, the parties must be able to agree on an increase.

Mr. Furtado asked for an explanation of how the tenant pays taxes. Mr. Estefan said that unless it is in the lease, the tenant does not pay taxes. Mr. Estefan certifies to the Tax Assessor the amount of acreage used by the lessees. The City then gets 70 cents back from the State under the Payment In Lieu of Taxes Program. Mr. Furtado asked if it was safe to assume that the taxpayers pay the other 30 cents. Mr. Estefan said it was. Mr. Dittrich stated that he has a problem with the clause that states the parties have to agree on the appraisal. He would like to see the City go through the process every time. Attorney Pinter stated that if they have to come to the Common Council, they might argue that they have no renewal option.

Mr. Moore made a motion to approve the lease subject to changing the lease term from eight to five years; the rent will be set at \$5,100 per year with additional taxes and CPI adjustment. Mr. Dittrich seconded the motion. The motion carried unanimously.

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

50 – COMMUNICATION – Affordable Housing Contract

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review an affordable housing contract met on July 10, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Neptune and Dittrich. Also in attendance were Assistant Corporation Counsel Les Pinter, Council President Warren Levy and Council Member Pauline Basso, ex-officio, Attorney Steven Olivo, Joseph DaSilva and Jehad Sabbagh, as well as members of the public.

Mr. Furtado asked Attorney Pinter to give a history of the contract. He said the request is to amend a contract that the Common Council previously approved. He outlined the legal description changes and stated that they are also asking for a change in price to \$158,500. This contract was approved based on State Statute, it has been in effect for two years and the modifications are being requested now. Mr. Furtado noted that the City had given a road to Mr. DaSilva for building purposes. He was allowed to build eight additional units. The Council approved the sale price at \$138,500.

Mr. Furtado asked Attorney Olivo to explain why the price increase is being requested. Attorney Olivo explained that when the project began in 1998 they had ideas as to what the project would be like. As they went through the process, Mr. Sabbagh was emphatic that the market could bear a more upscale product. They decided to upgrade the project and offer more amenities. The increased price is still within the affordable limits. Mr. Dittrich asked if the developer decided to do the upgrades after the City agreed on the contract and price. Attorney Olivo said that was correct. Mr. Furtado said he disagreed with the committee changing policy. It is not the right thing to do. It would lessen the pool of individuals that would qualify.

Mrs. Neptune made a motion to deny the price increase and approve the scrivener changes. Seconded by Mr. Dittrich. Motion carried unanimously.

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

51 – REPORT – Open Space Acquisition – Terre Haute

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review open space acquisition on Terre Haute met on July 29, 2002 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher, Moore and Nolan. Also in attendance were Coordinator of Environmental Services Jack Kozuchowski, Executive Director of Tarrywile Park Sandy Moy, Chairman of the Tarrywile Park Authority Gerald Daly, Bill Lewis of Tarrywile Park, Council Members Levy and Basso, ex-officio and members of the public.

Mr. Gallagher asked Mr. Kozuchowski for the background on this request. Mr. Kozuchowski stated that late last year the previous administration asked him to put together a proposal for this property owned by Richard Lynn. The purchase of this property would allow the City to move forward in accordance with the Plan of Development to expand the park across the southern tier of Danbury. He said that the property transfer is pending until the City appropriates its share of the purchase price which will be \$76,880.00. The Department of Environmental Protection will pay 50% of the acquisition price.

Mr. Gallagher stated that the Planning Director had given a positive recommendation on the purchase of this property. Mr. Moore asked if an application of this type could be submitted at any time. Mr. Kozuchowski said applications could be submitted in the spring and the fall. Mr. Nolan asked what would happen if the Common Council fails to authorize the funds from the contingency account at this time? Mr. Kozuchowski said he could not answer that question but it would be his opinion that if the DEP saw the project moving forward they might be comfortable with the appropriation coming from next year's budget.

Mr. Moore made a motion to recommend appropriation of the necessary funding as per the certification of funds. Seconded by Mr. Nolan. Motion carried unanimously.

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

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

Mr. Levy made a motion to receive the department reports as submitted and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Saadi. Motion carried unanimously.

53 – COMMUNICATION – Appointment to the Aviation Commission

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Paula Mirabile-Baker to the Aviation Commission for a term to expire July 1, 2003. The appointment was confirmed on the Consent Calendar.

54 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Thomas Pinkham, Jr. to the Environmental Impact Commission for a term to expire December 1, 2002. The appointment was confirmed on the Consent Calendar.

55 – COMMUNICATION – Mr. Saadi made a motion to add item 55 to the agenda regarding sewer extension at 48 Woodside Avenue. Seconded by Mr. Levy. Motion carried unanimously with Mr. Nolan and Mr. Dittrich voting in the negative.

Letter from the Director of Health William Campbell stating that as Director of Health he is aware of three failing sub-surface sewage at 3 Old Shelter Rock road and at 39 and 48 Woodside Avenue. These failures have created a public health hazard. Mr. Saadi asked that this be referred to the Director of Public Works to begin the survey assessment process, pending certification. Mayor Boughton so ordered.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Gogliettino at 8:35 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk