

TO: Mayor Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held October 1, 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, Null, Kelly, Buzaid, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Basso, Gallagher, Gogliettino, Moore, Neptune

ABSENT – McAllister, Mazzuchelli, Dean Esposito, Darius, Furtado

16 PRESENT – 5 ABSENT

Mr. McAllister and Mr. Mazzuchelli were out of town

PUBLIC SPEAKING

Scott Ferguson, 112 South Main Street – Spoke on item 28. He was a member of the long-range school facilities committee. He is available to answer any questions the Council may have.

Margaret Mitchell, Park Place – Spoke on item 30. She is in favor of the East Ditch Project.

Rusty Slavicki, Westville Avenue – Spoke in favor of item 28, the long-range school facilities report.

Lynn Waller, 83 Highland Avenue – Spoke on item 34. She is concerned about people in wheelchairs, etc. Supports a citywide ordinance.

MINUTES – Minutes of the Common Council Meeting held September 4, 2002. Mr. Levy made a motion to approve the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

1 – Adopt the Resolution to apply for and accept grant funding from the Bill and Melinda Gates Foundation for funding to cover the acquisition of four computers and one content server with an estimated value of \$13,450.00 for use by the Danbury Library

2 – Adopt the Resolution authorizing the sale of property tax liens to ATF with Foothill Capital Corporation as a secured party with a value of \$661,346.45 as described

14 – Approve the transfer of \$478.00 from the Elderly Services Donations Account to the Commission on Aging budget as described

15 – Approve the appropriation of \$4,450 for the Registrars of Voters accounts as described

17 – Approve an extension of the solid waste and recycling agreement with Automated Waste Disposal for an additional two years as described

24 – Approve water extension at 11 South Cove Road subject to the standard eight steps

25 – Receive a Planning Commission report with regard to Blind Brook Playground

26 – Approve the sale of City owned lot #111102 to Housatonic Habitat for Humanity at a price subject to a new current appraised value and other land use conditions

27 – Receive a report and take no action in regard to eminent domain of property on Broad Street

31 – Approve the donation of drainage material to the Holy Trinity Orthodox Church for a drainage project on Joe's Hill road valued at approximately \$1,500.00

32 – Approve a request to make pre-application to the Federal Aviation Commission for funds to obtain easements at the Danbury Municipal Airport

35 – Receive a report regard installation of sprinklers and take no action

36 – Receive a report regarding brush and leaf collection and take no action

38 – Receive a report regarding a lease with Sadler Aircraft and take no action

39 – Receive a report and adopt its recommendations in regard to amending the ambulance budget

40 – Receive a report and adopt its recommendations regarding a sewer and water extension at Lombardi and Short Streets

Mr. Saadi made a motion to approve the consent calendar as read. Seconded by Mr. Moore. Motion carried unanimously.

1 – RESOLUTION – Bill & Melinda Gates Foundation

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Bill and Melinda Gates Foundation is awarding cash grants to Connecticut libraries service low-income communities; and

WHEREAS, the Danbury Public Library wishes to provide Danbury residents with additional computers, with Internet access to meet growing demand, increase in-house web catching to assure the continued viability of our current T1 line well into the future and provide increased network security; and

WHEREAS, the Danbury Public Library has made application to the Bill and Melinda Gates Foundation for funding to cover the acquisition of four (4) computers and one (1) content server (of an estimated value of \$13,450.00); and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury, Mark D. Boughton, in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept a cash grant to purchase four computers and one content server upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The resolution to apply for and accept grant funding from the Bill and Melinda Gates Foundation for funding to cover the acquisition of four computers and one content server with an estimated value of \$13,450.00 for use by the Danbury Library was adopted on the Consent Calendar.

2 – RESOLUTION – Assignment of Real Property Tax Liens

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes 12-195h authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid taxes on real property; and,

WHEREAS, the City of Danbury previously assigned certain real estate tax liens to American Tax Funding, LLC ("ATF"); and,

WHEREAS, the assignment of additional tax liens on the grand lists of October 1, 1999, October 1, 2000 and October 1, 2001, to ATF with Foothill Capital Corporation as a secured party, relating to the same properties covered by the tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City; and

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 accomplish the assignment to ATF of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand lists of October 1, 1999, October 1, 2000 and October 1, 2001 and having a value of \$661,346.45 (less any amounts paid on or after September 17, 2002) and that Mayor Boughton be and hereby is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

The resolution authorizing the sale of property tax liens to ATF with Foothill Capital Corporation as a secured party with a value of \$661,346.45 was adopted on the Consent Calendar.

3 – COMMUNICATION – Promotion to Lieutenant in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Jeffrey A. Lagarto to the rank of Lieutenant in the Police Department. Mr. Gogliettino made a motion to receive the communication and confirm the promotion. Seconded by Mr. Buzaid. Motion carried unanimously.

4 – COMMUNICATION – Promotion to Captain in the Police Department

Letter from Mayor Boughton requesting confirmation of the promotion of Thomas P. Wendel to the rank of Captain in the Police Department. Mr. Nolan made a motion to receive the communication and confirm the promotion. Seconded by Mr. Scozzafava. Motion carried unanimously.

5 – COMMUNICATION – Appointment as a Police Office

Letter from Mayor Boughton requesting confirmation of the appointment of Gregory T. Topa to the position of police officer within the Danbury Police Department. Mr. Dittrich made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

6 – COMMUNICATION – Appointment as a Police Officer

Letter from Mayor Boughton requesting confirmation of the appointment of Kevin T. Wilkes to the position of police officer within the Danbury Police Department. Mrs. Basso made a motion to receive the communication and confirm the appointment. Seconded by Ms. Neptune. Motion carried unanimously.

7 – COMMUNICATION – Promotion to Sergeant in the Police Department

Letter from Mayor Boughton requesting confirmation of the appointment of George Scott Fabich to the rank of Sergeant in the Police Department. Mr. Saadi made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

8 – COMMUNICATION – Appointment of an Architectural Review Board

Letter from Mayor Boughton requesting the appointment of an Architectural Review Board. Mr. Saadi asked that this be referred to an ad hoc committee, the Director of Planning and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Buzaid, Moore and Nolan to the committee.

9 – COMMUNICATION – Donation to the City Shelter

Request from Director of Welfare Debbie MacKenzie for permission to accept a clothes dryer from Mutual Appliance valued at \$19.99 for use at the City Shelter. Mr. Gogliettino made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Dittrich. Motion carried unanimously.

10 – COMMUNICATION – Still River Greenway Donation

Letter from Benjamin V. Doto requesting that the City accept a donation in the amount of \$500 for the Still River Greenway, Eagle Road Bridge Water Quality Improvement Project. 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. Dittrich. Motion carried unanimously.

11 – COMMUNICATION – Donation from Iovino Brothers

Letter from Mayor Boughton requesting that the City accept a donation a reproduction of the City Seal for embroidery on clothing from Iovino Brothers valued at \$363.30. Mr. Moore made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

12 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept the donation of two stairmasters to the Fire Department from the New York Sports Club of Danbury. Mr. Shuler made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

13 – COMMUNICATION – Donation to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations from Mary and Robert Johnson in the amount of \$100; from Charles and Betty Willis in the amount of \$40 and from Almost Family Adult Day Care in the amount of \$50 for use of the Senior Center. 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. Shuler. Motion carried unanimously.

14 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath requesting Reappropriation of the sum of \$478.00 from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The reappropriation of funds was authorized on the Consent Calendar.

15 – COMMUNICATION – Request for Funds for Registrars of Voters

Request from the Registrars of Voters that the sum of \$4,450 be appropriated to cover the expense of mailing redistricting notices to 18,000 voter households throughout Danbury. A certification of funds was attached. The appropriation of \$4,450 was approved on the Consent Calendar.

16 – COMMUNICATION – Lease of Land on Garamella Boulevard

Request from the Cambodian New Life Evangelical Church to lease a portion of City owned land for parking. Mr. Moore asked that this be referred to the Corporation Counsel, the Director of Public Works and the Planning Director for reports back within thirty days. Mayor Boughton so ordered.

17 – COMMUNICATION – Amendment to the Recycling and Solid Waste Agreement

Letter from Director of Public Utilities Mario Ricoszi asked approval of an extension of the Recycling and Solid Waste Agreement with AWD that expired on June 30, 2002. AWD has agreed to keep the same payment terms for an additional two years, expiring on June 20, 2004. The extension of the solid waste and recycling

agreement with AWD for an additional two years as described was approved on the Consent Calendar.

18 – COMMUNICATION – Request for Ad Hoc Committee to Study the City Website

Mr. Moore asked that this be referred to an ad hoc committee and the Director of Information Technology. Mayor Boughton so ordered and appointed Council Members Gogliettino, Shuler and Dittrich to the committee.

19 – COMMUNICATION – Request for Ad Hoc Committee to Study Parking Problems on Henry Street

Mr. Moore asked that this be referred to an ad hoc committee, the Chief of Police and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Machado, Kelly and Scozzafava to the committee.

20 – COMMUNICATION – Request for Sewer and Water Extensions – Oil Mill Road

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

21 – COMMUNICATION – Request for Sewer Extension – Stadley Rough Road

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

22 – COMMUNICATION – Reapportionment Committee Report

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

23 – COMMUNICATION – Executive Aero Maintenance LLC. v. City of Danbury

Letter from Corporation Counsel Robert Yamin requesting authorization to hire Attorney Gerald McEnergy to defend the City against Executive Aero Maintenance who has served the City with a writ, summons and complaint and a request for temporary injunction to prevent the City from terminating its tenancy at the Danbury Municipal Airport. Attorney McEnergy's fee will be \$135.00 per hour.

Mr. Moore made a motion to receive the communication and authorize the hiring of Attorney Gerald McEnergy at the rate of \$135.00 per hour. Seconded by Mr. Gogliettino. Mr. Saadi made a motion to amend to include that the Corporation Counsel should report to the Common Council once a month regarding this matter. Seconded by Mrs. Basso. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

24 – COMMUNICATION – Report from Planning Commission regarding 11 South Cove

Positive recommendation from the Planning Commission regarding extension of water to South Cove Road provided such extension is made to the satisfaction of the City and assuming the petitioner receives whatever rights related to the work in the road that may be required. The water extension at 11 South Cove Road was approved on the Consent Calendar subject to the required eight steps.

25 – COMMUNICATION – Report from Planning Commission regarding Blind Brook Playground

Positive recommendation from the Planning Commission regarding the Blind Brook Playground because it is in compliance with the Plan of Conservation &

Development and the money has been set aside for this purpose. The Planning Commission report was received on the Consent Calendar.

26 – COMMUNICATION – Reports regarding Habitat for Humanity

Reports from the Director of Public Works, the Corporation Counsel and the Planning Commission recommending the sale of lot #111102 to Housatonic Habitat for Humanity. The reports were received on the Consent Calendar and the sale of lot #111102 to Housatonic Habitat for Humanity approved at a price subject to a new current appraised value and other land use conditions.

27 – COMMUNICATION – Report regarding Eminent Domain Proceeding

Report from the Corporation Counsel and the Director of Public Works regarding acquiring a small triangular piece of land on Broad Street. The reports were received on the Consent Calendar and no action taken.

28 – COMMUNICATION – Long Range School Facilities Committee Report

Mr. Gogliettino asked that this be referred to an ad hoc committee, the Director of Finance and the Director of Public Works. Mayor Boughton so ordered and appointed Council Members Levy, John Esposito, Saadi, Nolan and Basso to the committee.

29 – COMMUNICATION – West Side Interceptor Sewer

Letter from Director of Public Works William Buckley requesting the appropriation of \$50,000 which will be used for items one and two of the preliminary design phase of the scope of service for the West Side Interceptor Sewer. A certification of funds was attached. Mr. Moore made a motion that the communication be received and the appropriation of funds in the amount of \$50,000 for items one and two of the preliminary design phase of the scope of service be authorized. Seconded by Ms. Neptune. Motion carried unanimously.

30 – COMMUNICATION & RESOLUTION – Storm Water Drainage Easement – East Ditch Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision Squared bond package, is proceeding, through plans and designs, to make necessary improvements to the East Ditch Storm Sewer; and

WHEREAS, as one phase to said proposed improvements, the City will have to obtain three (3) easements from property owners in order to accomplish project goals; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B and C attached hereto; and

WHEREAS, said easements will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B and C attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by April 1, 2003.

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

31 – COMMUNICATION – Holy Trinity Church – Joe’s Hill Road

Letter from Director of Public Works William Buckley asking the Common Council to authorize the City to donate materials and pipe that will be used in the City right of way and which will become part of the City’s facilities to this petitioner for this project. The donation of drainage material to the Holy Trinity Orthodox Church for a drainage project on Joe’s Hill road valued at approximately \$1,500 was authorized on the Consent Calendar.

32 – COMMUNICATION & RESOLUTION – Easements in the Runway 8 Approaches at the Airport

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make airport improvement funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury wishes to obtain funding for the acquisition of easements in the approaches to Runway 8 of the Danbury Municipal Airport and in order to eliminate obstructions and permit significant improvements to enhance the safety of aircraft and the public; and

WHEREAS, the City of Danbury wishes to prepare and submit a pre-application for said funds to the FAA and the Connecticut Bureau of Aeronautics; and

WHEREAS, said project would be 90% federally funded, 7.5% State funded and 2.5% funded by the City of Danbury; and

WHEREAS, the local share (2.5%) of the total cost of this work (\$2,593,320.00) is (\$64,833.00).

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, contingent on availability of, and certification of funding, for final application, be and is hereby authorized to make pre-application for said funds and is further authorized to make subsequent application for said funds in amounts not to exceed the sums in the pre-application, and to take such other actions as are necessary in order to accomplish the purposes hereof.

33 – COMMUNICATION – Toll Land XVIII, Limited Partnership – Ridgebury Hills

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

34 – REPORT & ORDINANCE – Use of Sidewalks

Mr. Mazzuchelli submitted the following report:

The Common Council Committee appointed to review the use of sidewalks met on August 22, 2002 and again on September 18, 2002 in Conference Room 3C in City Hall. In attendance at the August 22, 2002 were committee members Mazzuchelli, Dean Esposito and Basso. Also in attendance were Assistant Corporation Counsel Les Pinter, Executive Director of CityCenter Nancy Whitfield, Chairman of CityCenter Mark Nolan, Tom Devine, owner of Two Steps and Ciao, Director of the Senior Center Leo McIlrath, Lt. Brian Gantert of the Police Department and Council Members John Gogliettino and Warren Levy, ex-officio. Present at the September 18th meeting were committee members Mazzuchelli, Dean Esposito and Basso. Also in attendance were Assistant Corporation Counsel Les Pinter, Captain Sullo and Lt. Gantert of the Police Department, Tom Devine and members of the public.

Mr. Mazzuchelli opened the August 22nd meeting by introducing the committee and other Council Members. He said he would like to keep the discussion focused. He stated that the issue is damage to private and public facilities by skateboards, in-line

skates and other human powered apparatus, as well as endangerment to pedestrians and residents of the area. He segmented the issue into two parts.

1. Private Property – laws already exist protecting the use of private property for any purpose without the authorization of the owners.
2. Public Property and thoroughfares, i.e. public buildings, sidewalks, schools, parks, etc. Ordinances exist governing powered vehicles and devices. However, no ordinances have been enacted designating or regulating human powered devices such as skateboards, in-line skates and scooters. In addition, new apparatus such as battery-powered scooters are now reaching more wide spread use.

An obvious solution would be to enact ordinances banning the use of human powered apparatus in the downtown service area. The problem then becomes enforcement. The vast majority of users of this apparatus are youngsters under the age of 16. This makes their parents responsible for any penalties for violation of the ordinances and any fines or punishments stipulated by the ordinances. It would also appear to be an additional burden for the police force and/or judicial system to enforce. The likelihood of full compliance to any restrictions is very small. The question needs to be asked do we want to make criminals out of our kids?

A possible solution is a downtown skate park. A parcel of land has been designated in Rogers Park for this purpose. \$250,000 was allocated as part of the Vision 21 Bond Package for construction of this facility. The questions are how soon can it be approved? Will it be large enough and challenging enough to attract a majority of potential users? Will it offset the conveniences of downtown? Downtown has no restrictions on hours.

Another solution would be to skate proof all downtown and public facilities. Devices and deterrents can be attached to railings, benches, curbs, adornments, etc. to render them less than optimal for use by skateboarders, in-line skaters and scooters.

Dean Esposito stated that this is an opportunity to change the ordinance to enforce the laws. He believes that we should take the initiative to enforce these restrictions. We have to move forward on this issue by working with the police to enforce the laws. Mrs. Basso asked if the bike patrol is still in the downtown area. Lt. Gantert said they are, but the cannot force a rider off the bike. Mrs. Basso asked if the police officers are allowed to ride on the sidewalks why can't everyone else. Lt. Gantert said the reason for the bike patrol was for personal contact. They are exempt under the ordinance.

Attorney Pinter stated that there are a number of communities that have different types of ordinances regarding bikes and skateboards. Municipalities can enact such an ordinance, but enforcement is the issue. The critical issue is to define the time, place and manner of activity. There are some cities that carve out areas of the downtown that can have this type of activity. An ordinance can simply address the downtown area or it can be citywide. You want to make the ordinance simple. People should be able to read it and understand it. Mr. Mazzuchelli asked Attorney Pinter if an ordinance were to be enacted, would we have to put up signs. Attorney Pinter said signs would not have to be put up. Mrs. Basso stated that she is in favor of putting up signs. Mr. Esposito said he believes that we need to enact an ordinance, but it would have to be citywide. If we only say no skateboarding downtown, they will go somewhere else. CityCenter would be the ideal place to focus on. Signs are a good idea.

Mrs. Basso made a motion to continue the meeting. Seconded by Mr. Esposito and passed unanimously.

The September 18, 2002 meeting was reconvened at 6:30 P.M. Mr. Mazzuchelli stated that the process would be the same. As a result of the last meeting, Attorney Pinter drafted an ordinance that will probably apply to CityCenter. The ordinance is fairly broad. Attorney Pinter did allow for the traffic authority to put up signs.

Attorney Pinter stated that based on what the committee discussed, he prepared a one-page ordinance as a starting point. He made it Section 12-5. Subsection (a) sets up the policy. We want to prevent people from being hit by skateboards. This language establishes why the municipality wants an ordinance. Subsection (b) tells people what they cannot do. Subsection (c) delineates liability. Subsection (d) provides for a two-phase penalty. Subsection (e) gives the traffic authority the authority to erect signs and Subsections (f) and (g) contain language we like to put in to protect us in case someone says we are violating constitutional rights.

Dean Esposito asked if police officers would be able to ride on the sidewalks? Attorney Pinter said that it would be presumed to be an official act. Mr. Esposito said he would be comfortable with a citywide ordinance. Mrs. Basso said the problem exists in CityCenter. We do not have a problem in the outskirts. We should limit it to downtown.

Dean Esposito made a motion to accept the ordinance to be enacted citywide for restrictions on the sidewalk. Seconded by Mrs. Basso. Mr. Mazzuchelli offered an amendment to exclude police officers. Seconded by Mrs. Basso. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

Mr. Saadi made a motion to receive the report and adopt its recommendations. Seconded by Mr. Moore. Mr. Saadi offered the following amendment:

(f)(1) devices operated by persons for the sole purpose of transporting infants and children such as strollers and carriages designed for said purposes.

(2) Devices operated by persons with a disability for the purposes of transportation of said person such as wheelchairs and similar motorized and non-motorized devices designed for that purpose.

Seconded by Mrs. Basso. Motion to amend carried unanimously. Mr. Saadi offered a further amendment to defer the ordinance to public hearing. Seconded by Mrs. Basso. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

35 – REPORT – Installation of Sprinklers

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the installation of sprinklers met on September 10, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly and McAllister. Also in attendance were Fire Chief Peter Siecienski, Fire Marshall Barry Rickert, Corporation Counsel Eric Gottschalk, Council President Warren Levy, ex-officio and Lynn Waller. Mr. Dittrich was absent due to a previous commitment.

Mr. Kelly read the call of the committee. Mr. McAllister explained the reason the City should consider making the necessary code changes to include residential fire sprinkler systems. He had attended a demonstration showing the effective use of these systems to suppress fire and substantially reduce fatal fires.

Chief Siecienski introduced a memo showing his complete research on the cause and magnitude of fatal residential fires. 78% occur in structures and 94% of those occur on residential property. He agrees that residential automatic sprinkler systems would save lives.

Attorney Gottschalk read an opinion from Attorney General Richard Blumenthal, which addressed whether municipalities can enact ordinances requiring more extensive use of automatic fire extinguishing systems. It stated that the state legislature, under the Connecticut Fire Safety Code, the Connecticut State Building Code and Connecticut Gen. Stat. 29-315 with regard to automatic fire extinguishers "preempt the field" so as to not permit local ordinances on the subject. Fire Marshall Barry Rickert suggested that the City could offer building permit fee reductions as an incentive to encourage the use of sprinkler systems in residences. Attorney Gottschalk said the City has the right to make any adjustment to their building permit fees.

Mr. McAllister made a motion to take no action. Seconded by Mr. Kelly. Motion carried unanimously.

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

36 – REPORT – Brush and Leaf Collection

Mr. Mazzuchelli submitted the following report:

The Common Council Committee appointed to review brush and leaf collection met twice, first on July 31, 2002 and again on September 12, 2002 in the Third Floor Caucus Room in City Hall. In attendance at the July 31st meeting were committee members Mazzuchelli and Scozzafava. Mr. Furtado was absent. Also in attendance were Director of Public Works William Buckley, Superintendent of Public Utilities Mario Ricosi, Superintendent of Highways Frank Cavagna, Council Member Pauline Basso, ex-officio and members of the public. Present at the September 12th meeting were committee members Mazzuchelli and Furtado. Mr. Scozzafava was absent. Also in attendance were Director of Public Works William Buckley and Mayoral Aide Greg Williams.

At the July 31st meeting, Mr. Mazzuchelli asked Mr. Buckley for a brief overview of how the City is addressing this problem and how we could reinstate a formal brush and leaf collection system. Mr. Buckley stated that the City has a permitted leaf compost facility. Leaves are picked up in the fall as long as they are in brown paper bags. Plastic bags are not picked up. Homeowners are allowed to bring leaves in and dump them in the fall. Leaves picked up in the spring include brush and twigs. If someone calls up and has brush on the side of the road, the City will use it as filler work. There is no collection crew. If the City wants to start collecting, it will have to reinstate employees.

Mr. Mazzuchelli said that the objective is to have some place for residents to take their leaves and brush. The objective is to identify if we can do it and how much it would cost. Mr. Ricosi asked to divide the objective into two parts; first, the place where residents can bring the brush and second would be the schedule. If you are looking to staff a facility you will need three people. You will also need equipment at a cost of \$750,000. Mr. Mazzuchelli asked Mr. Cavagna and Mr. Buckley to put together a capital equipment budget and an operational budget, strictly for leaves and brush, not for pickup.

Mr. Cavagna said that the State brings in a tub grinder twice a year to grind up logs. The brush has to be differentiated between what can be brought in and what can be picked up. Mr. Buckley said it would be a price staffing operation, where it can be brought, received and processed. It should be just residential. It could be open four hours a day and be processed four hours a day. A catch up provision would have to be considered. We could get the State's low bidder in for \$50,000 to get rid of what is already there.

Mr. Scozzafava made a motion to continue the meeting after the budget information is submitted by Mr. Buckley and Mr. Cavagna. Seconded by Mr. Mazzuchelli and passed unanimously.

The meeting reconvened at 6:30 P.M. on September 12, 2002. Mr. Buckley submitted a cost evaluation showing the cost of \$150,000 to purchase one piece of equipment, which is a payloader, and a capital expense of \$350,000. A discussion followed on the cost of cleaning up what is now there. This would have to be done no matter what the committee decides.

Mr. Furtado made a motion to take no action at this time. Seconded by Mr. Mazzuchelli and passed unanimously.

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

37 – REPORT – Curtiss Aero Lease

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the Curtiss Aero Lease met on September 18, 2002 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly and Moore. Also in attendance were Airport Administrator Paul Estefan, Assistant Corporation Counsel Les Pinter, Director of Finance Dena Diorio, the petitioners, Mr. and Mrs. Florczech and their attorney, Mr. Anthony.

Mr. Kelly asked Mr. Pinter for a review of the lease. The lease provides for a five-year term, at a rate of \$1,700 per month with a cost of living increase, subject to a one five-year renewal option. The language is fairly new because the Aviation Commission approved a concept whereby the parties agree to an appraisal six months before the termination of the lease in order to establish a rent for the next five-year option. Structures on the property will revert to the City at the termination of the lease. Provision three provides that the tenant will pay for water, heat, gas, phone and property taxes. The other important clause requires compliance with federal aviation law and the language is standard with other leases. Rent is based on a rate of \$5,100 per acre. This lease requires one million dollars in liability insurance because of the size; other leases require two million dollars.

Mr. Kelly stated that the rates being paid on the leases appear to be substantially below the commercial rate in Danbury. He is confused as to the basic rental rate per annum. Mr. Estefan said that when the airport was zoned, it was made light industrial. He proposed to the Zoning Commission that it be taken out and put into an airport zone. They decided to leave the Airport in an IL40 zone. Federal regulations prohibit the airport from making a profit. Mr. Estefan stated that he has been trying to hire appraisers but they cannot get anyone to accept the contract. Discussion followed about appraisals.

Attorney Anthony asked to discuss the original lease, which calls for a ten-year lease with one ten-year renewal option. When they purchased this property they had to get an assignment of this lease. Part of the lease was the renewal. To change the lease might not be possible. His client had the option to seek renewal in a timely fashion, which they did. He is not taking about the modification of the rent; he is talking about timeframe. It is absolutely critical to their mortgage and to their business. His first impression is that if the Common Council were to reject the Florzek's renewal, they would then be in violation of their mortgage and GE Capital could call in the mortgage.

Attorney Pinter stated that this question is not unusual to this lease. His interpretation is that because the rent was not established with certainty in 1976, it is not enforceable. The Common Council is certainly able to extend the ten-year period, but it is his opinion that you do not have to. Attorney Anthony said his clients have no objections to appraisals and increases. He cannot emphasize the concern and fear they have. Mr. Estefan said it would be his suggestion to go with the ten-year lease, but have an appraisal done half way through.

Mr. Moore made a motion to accept the lease with a term of ten years, with an option to renew for ten years, with a requirement that an appraisal be done within two years and the annual rent to be adjusted at that time. Seconded by Mr. Kelly. Motion carried unanimously.

Mr. Saadi made a motion to receive the report and adopt its recommendations. Seconded by Mr. Gogliettino. Motion carried unanimously.

38 – REPORT – Sadler Aircraft Lease

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the Sadler Aircraft lease met on September 18, 2002 at 8:15 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly and Moore. Also in attendance were Airport Administrator Paul Estefan, Director of Finance Dena Diorio, Assistant Corporation Counsel Les Pinter, Roby Sadler and Attorney Charles Jackson.

Mr. Kelly asked Attorney Pinter to describe the lease. Attorney Pinter stated that a new map has been drawn. Mr. Sadler notified the City that he would like to renew his lease. The Aviation Commission proposed a five-year term based on \$5,100 per acre. The size of the property has been increased from 0.45 acres to 1.46 acres, causing the adjustment in rent to \$7,446 per year, plus cost of living and a clause requiring an appraisal prior to termination of the five-year term, then the option to renew if they agree. A two million dollar insurance policy is required. Sadler will pay the property taxes. Structures revert to the City when the lease expires.

Mr. Estefan explained the history of the site. The FAA added an additional 3,400 feet of taxiway. It allowed aircraft to taxi in front of Sadler. In 1989, an inspector said we had aircraft to close to the runway. Mr. Sadler gave further history of the lease. Much of this property is not something they need, nor could anyone utilize it. Attorney Jackson said that they were leasing an area they could utilize. Now they are leasing a larger area they cannot utilize. The lease is barely a breakeven for them. He said there needs to be some adjustment on the numbers or it is not workable.

Attorney Pinter stated that if the committee is uncomfortable with going forward, it could have the parties return to the table. Mr. Moore made a motion to send the lease back to the Aviation Commission for further negotiation. Seconded by Mr. Kelly. Mr. Kelly asked Mr. Sadler if he was informed that the additional acreage was going to be assigned to him. Mr. Sadler said he was not. Motion carried unanimously.

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

39 – REPORT – Amended Ambulance Budget

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review the amended ambulance budget met at 8:05 P.M. on September 23, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino and McAllister. Mr. Nolan was in another committee meeting and arrived at 8:25 P.M. Also in attendance were Director of Finance Dena Diorio, Council Members Levy and Scozzafava, ex-officio, Frank Kelly, President of Danbury Hospital, Arthur Tedesco, Chief Financial Officer of Danbury Hospital and Matthew Cassavecchia of BSI.

Mr. Gogliettino asked Ms. Diorio for an overview. She stated that collections have gone up 14%. She recommended the increase to \$21,000. Mr. Gogliettino asked if this was taxpayer money. Ms. Diorio said it is coming out of the ambulance fund balance. Technically, it is taxpayer money, but it is not coming from the contingency account.

Mr. McAllister stated that it seems the hospital is coming back to the City for money after the fact. We entered into a contract and there was a budget. He wanted to know why this occurred. Mr. Tedesco handed out a scheduled of revenue and expense. Money collected is revenue received. The City received 1.2 million dollars. The budget was \$843,000.00 The City received \$307,000 more than the budget. They paid Met Financial \$37,000 more in collection fees. They are asking for \$21,000, which is part of that cost. Calls are up. The population is getting older and sicker. Anticipating the number of calls is difficult. They have one more month on the contract. History has been that they have given the excess back to the City.

Mr. McAllister asked if this is for the budget year now ending. Ms. Diorio said it is for the year ending August 2002. Mr. McAllister asked if prior to this was any collection agency doing this work. Mr. Tedesco said that prior to this BSI provided the billing. He had a discussion with Dominic Setaro about moving it to Met Financial. The City chose to do some collection follow-up. We are now pursuing bad debts. Mr. Tedesco said the agreement has lapsed, but it is being extended month-to-month.

Mr. Scozzafava asked the Director of Finance if she recommends this. Ms. Diorio said that she does.

Mr. McAllister made a motion to appropriate the sum of \$21,000 as recommended by the Director of Finance to amend the ambulance budget. Seconded by Mr. Nolan. Motion carried unanimously.

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

40 – REPORT – Request for Sewer and Water Extension at Lombardi and Short Streets

Mr. Darius submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension at Lombardi and Short Streets met on September 24, 2002 at 7:01 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Darius, Kelly and Scozzafava. Also in attendance were the Director of Public Works William Buckley, Attorney Neil Marcus for High Tech Construction, LLC and Lynn Waller a resident of the City of Danbury. Mr. Greg Parson and 2 other individuals from High Tech Construction, LLC later arrived (7:10PM).

Mr. Darius read a positive recommendation from the Planning Commission. He then asked Mr. Buckley to give an overview of the request that is before the committee.

Mr. Buckley stated that the request from High Tech Construction, LLC is very standard and he had no particular objection to its approval. He stated that the number of bedroom units and the total number of single-family units appear to be transposed on the application. He asked Mr. Marcus to clarify and correct the discrepancy. Mr. Marcus acknowledged that the number of bedroom units should be 36, and the total number of single-family units should be 12. Mr. Kelly asked for clarification of the layout of the five lots identified on the application. Mr. Darius asked Mr. Buckley if there is any unforeseen negative impact on the City. Mr. Buckley did not anticipate any, and recommended approval subject to the standard eight steps.

Mr. Scozzafava reiterated the charge of the committee, and made a motion to approve the request for sewer and water extension at Lombardi and Short Streets subject to the standard eight steps. Seconded by Mr. Kelly. Motion carried unanimously.

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

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

Mr. Levy made a motion to receive the department reports and waive the reading as all members have copies, which are available for public inspection. Seconded by Mrs. Basso. Motion carried unanimously.

42 – COMMUNICATION – Mr. Levy made a motion to add as item 42 the resignation of Matt Gallagher from the Common Council. Seconded by Mr. Buzaid. Motion carried.

Mr. Levy made a motion to receive the communication and accept the resignation. Seconded by Mr. Nolan. Motion carried unanimously.

Mayor Boughton extended all committees and replaced Mr. Gallagher on the following committees:

Item 19 from the March Agenda – Mr. McAllister
Item 18 from the June Agenda – Mr. Furtado
Item 35 from the August Agenda – Mr. Machado

There being no further business to come before the Common Council a motion was made at 8:45 P.M. by Mrs. Basso for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk