

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

RE: Minutes of the Common Council Meeting held December 3, 2002

Mayor Boughton called the meeting 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, Buzaid, Dean Esposito, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

ABSENT – Kelly

20 PRESENT – 1 ABSENT

Mr. Kelly was out of town on business

### **PUBLIC SPEAKING**

Robert Mosley, 14 Woodbury Drive – spoke in support of item 41. This is an opportunity for the Common Council to say thank you to veterans.

Gene Bates, 40 Ward Drive South – Representing the Disabled American Veterans. Spoke in favor of item 41 and handed out some information concerning veterans.

Mayor Boughton appointed the following members to the Education Budget Committee: Nolan (Chairman), Kelly, Neptune, Gogliettino, Scozzafava

**MINUTES** – Minutes of the Common Council Meeting held November 7, 2002. Mr. Levy made a motion to accept 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:

6 – Adopt the resolution to apply for and accept funding from the Connecticut Department of Public Health Services in an amount not to exceed \$704,524.00 for the Women, Infants and Children's Supplemental Nutrition Program

7 – Adopt the resolution to apply for and accept grant funding from the Connecticut Brownfield Redevelopment Authority in the amount of \$10,000 for additional studies on the Mallory Hat Factory Site

8 – Adopt the resolution to make a renewed application and accept grant funding from the U. S. Environmental Protection Agency in the amount of \$200,000 for the continuation of studies specified in the grant proposal

9 – Adopt the resolution to authorize the Mayor to execute a Personal Service Agreement between the City of Danbury and the State of Connecticut relative to the Noise Abatement Study as described

10 – Adopt the resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 1A Grandview Drive as described

11 – Adopt the resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 6 Zinn Road as described

12 – Adopt a resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 49 East Gate Road as described

16 – Approve the appointment of Richard J. Antous, Jr. as an alternate member of the Environmental Impact Commission

- 17 – Approve the reappointment of Thomas Pinkham as an alternate member of the Environmental Impact Commission
- 18 – Approve the appointment of Arthur J. Mannion, Joseph Pepin, William D. Boehm, Hillel Goldman and Margaret Koschel as members of the Board of Ethics
- 24 – Approve the transfer of \$931 from the Elderly Services Donations Account to the Commission on Aging budget as described
- 28 – Adopt a resolution to authorize the Corporation Counsel to acquire easements relative to Western Connecticut State University's new science building subject to City of Danbury conditions and a positive recommendation from the Planning Commission
- 34 – Receive a report regarding a grant to Family & Children's Aid and take no action
- 35 – Receive a report regarding a waiver of the sewer connection fee for Broad Street Associates and take no action
- 36 – Receive the report regarding the City assuming maintenance of Cedar Road and taken no action
- 37 – Receive a report regarding Old Sherman Turnpike and refer it to the Mayor's Office for possible addition to the City's Capital Improvement Budget
- 38 – Receive the report regarding Willow Lane and Berkshire Place and approve the recommendations
- 40 – Receive the report regarding a stop sign on Franklin Street and Starr Avenue and approve the recommendations

Mr. Levy made a motion to adopt the Consent Calendar as read, with the removal of item 40. Seconded by Mr. McAllister. Attorney Gottschalk asked that items 10,11, and 12 be approved subject to Planning Commission approval. Motion carried unanimously.

Mr. Saadi asked that item 41 be moved to the beginning of the agenda. Seconded by Mr. Gogliettino. Motion carried unanimously.

41 – REPORT – Veterans Tax Credits

Mr. Levy submitted the following report:

The Common Council Committee appointed to review tax credits for veterans met twice, first on July 17, 2002 and again on November 19, 2002. In attendance at the July 17<sup>th</sup> meeting were committee members Warren Levy and John Esposito. Also in attendance were Director of Veterans Affairs Patrick Waldron, Assistant Tax Collector Richard Seaman, Ed Bernholz and Lynn Waller. (Council Members Gogliettino and Darius arrived late). In attendance at the November 19<sup>th</sup> meeting were committee members Levy, John Esposito and Basso. Also in attendance were Director of Veterans Affairs Patrick Waldron, Tax Assessor Colleen Velez, Council Members Gogliettino, McAllister and Darius, ex-officio, Del Albano from the Veterans Council and Lynn Waller.

At the July 17<sup>th</sup> meeting, Mr. Levy asked Mr. Seaman to give an overview of how of the tax credits work. Mr. Seaman stated that the General Assembly passed an option allowing municipalities to increase the exemptions allowed. It allows between \$1,000 and \$10,000 off assessments. This is for income eligible veterans, which is \$24,500 for single veterans and \$31,500 for married veterans. Disabled veterans are not part of this program. Mr. Levy pointed out that the current cost is \$6,511.92. If the assessment exemption were raised to \$10,000, the cost would be \$58,607.28. We have 258 qualifying veterans.

Mr. Waldron stated that if this is to be done correctly the real decisions have to be made in Hartford. Mr. Levy said the committee is trying to enhance the benefits within the confines of the current law. Mr. Levy said we would need enabling legislation from Hartford to raise the income levels. Mr. Darius asked why we are handling this at

the municipal level. It should be handled at the state and federal levels. He asked if this could be done at the time when the economy is going down. He said that now is not the time to do this. He said that the City is really struggling and not getting its fair share from the State. John Esposito stated that if we wait much longer there wouldn't be anybody left to give the benefits to.

Without objection, Mr. Levy stated that the committee would reconvene when additional information is obtained.

The committee reconvened on November 19, 2002 at 7:00 P.M. Mr. Levy stated that this was a continuation of the previous meeting because there were several questions that had to be answered. He had been in contact with the Corporation Counsel who stated the local legislative body couldn't raise allowable earnings. The State enabling legislation would have to be changed. John Esposito stated that the State Office of Policy and Management updates the income limits based on cost of living adjustments by the federal Social Security Administration at the beginning of October.

Mr. Levy asked Ms. Velez for any general information. Ms. Velez handed out a report on the veterans that receive the local option of \$1,000. The problem is that the existing law limits the number of eligible people to 305. 274 qualify under this legislation because some are disabled. John Esposito stated that he is in favor of anything we can give the veterans. He asked if this would increase the City's liability. How would it affect us five years down the road? Mr. Levy asked if we get any reimbursement from the State of Federal governments? Ms. Velez stated that we do not get any reimbursement.

John Esposito made a motion that the committee recommend that the Common Council raise the exemption from \$1,000 to \$10,000. Seconded by Mrs. Basso.

Mr. Levy stated that we should recommend to our State Legislators that they go forward on a state basis with this recommendation. Mr. Darius said that the state and federal governments should be involved to see that the City gets reimbursed. We do not want to get some ill conceived ordinance without putting a cap on it because we do not know what the situation will be in two or five years. To have an ordinance is not right. He is all for giving the money without an ordinance. Mr. Levy stated that the ordinance is already on the books.

The motion carried unanimously.

John Esposito made a motion to receive the report, adopt its recommendations and deferred the ordinance change to public hearing. Seconded by Mr. Furtado. Mr. Darius stated that the report did not reflect his true comments at the committee meeting. He stated that he is a veteran. He stated that he would vote against the report, but will vote for the ordinance and resolution. Attorney Gottschalk outlined the change in state law that allows this ordinance change.

Mr. Nolan offered an amendment that he be allowed to draft a resolution to send to the State Legislature recommending that allowable income levels be raised. Seconded by Mrs. Basso. Motion carried unanimously.

Main motion, as amended, carried 19 in favor and 1 opposed. Mr. Darius voted in the negative.

1 – ORDINANCE – Designation of Blight Inspector

Mr. Levy asked that this be deferred to public hearing. Mayor Boughton so ordered.

2 – ORDINANCE – Health and Housing Department Fees

Mr. Levy asked that this be deferred to public hearing. Mayor Boughton so ordered.

3 – ORDINANCE – Sewer and Water Sections 16-4 and 21-3

Mr. Furtado asked that this be deferred to public hearing. Mayor Boughton so ordered.

4 – ORDINANCE – Sewer and Water Sections 2-143.8, 16-48 and 21-63

Mr. Saadi asked that this be deferred to public hearing. Mayor Boughton so ordered.

5 – ORDINANCE – Retirement Incentive Program

Mr. Levy asked that this be deferred to public hearing. Mayor Boughton so ordered.

6 – RESOLUTION – WIC Supplemental Nutrition Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services has notified the City of Danbury Health and Housing Department of its eligibility to apply for a renewal grant for its Women, Infants and Children's (WIC) Supplemental Nutrition Program; and

WHEREAS, the Danbury Health and Housing Department's WIC Program for Danbury area residents provides nutrition education and supplemental foods to pregnant women, nursing mothers and children up to age five; and

WHEREAS, the Supplemental Nutrition Grant will be in an amount not to exceed \$704,524.00 and will cover the grant term from April 1, 2003 through September 30, 2005 and requires no matching funds from the City of Danbury; and

WHEREAS, the total grant for the 2 1/2 year period is not to exceed \$704,524.00.

NOW, THEREFORE BE ITR RESOLVED THAT to accomplish the purposes of said program, Mark D. Boughton, Mayor of the City of Danbury is hereby empowered to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Public Health Services and to accept said grant funds, if offered.

The resolution to apply for and accept funding from the Connecticut Department of Public Health Services in an amount not to exceed \$704,524.00 for the Women, Infants and Children's Supplemental Nutrition Program was adopted on the Consent Calendar.

7 – RESOLUTON – Brownfields Pilot

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the former Mallory Hat Factory property on Rose Hill Avenue, owned by the City through foreclosure, has limited resale value due to levels of contamination in the soils that do not meet Connecticut's Voluntary Remediation Standards; and

WHEREAS, a detailed environmental assessment and Remediation Design conducted for the City by Marin Environmental Inc. has developed Phase I and Phase II Environmental Assessment Reports; and

WHEREAS, the Department of Environmental Protection has recently conducted a review of all data on the Mallory Hat Factory and has determined that more testing may be necessary; and

WHEREAS, the Connecticut Brownfield Redevelopment Authority is offering a \$10,000.00 grant to conduct these additional studies on the Mallory Hat Factory site.

NOW, THEREFORE BE IT RESOLVED that the Common Council authorizes the Danbury Health Department to apply to the Connecticut Brownfield Redevelopment Authority for grant funds up to \$10,000.00 to conduct these additional studies and to

authorize the Mayor to accept such funds, if awarded, and enter into any contractual agreements with Connecticut Brownfield Redevelopment Authority that would allow the execution of said grant.

The resolution to apply for and accept grant funding from the Connecticut Brownfield Redevelopment Authority in the amount of \$10,000 for additional studies on the Mallory Hat Factory Site was adopted on the Consent Calendar.

8 – RESOLUTION – Restoration and Redevelopment of Contaminated Sites

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, by the Common Council, in 1997, made application for, and was approved, for funding in an amount up to \$200,000.00 by the U. S. Environmental Protection Agency for the purposes of remediating and restoring contaminated Brownfields sites within the City; and

WHEREAS, it is desired that said available funding continue to be used for these purposes through and including September 30, 2002; and

WHEREAS, a revised Application for Federal Assistance will have to be completed and submitted to the EPA in order to secure the continuation of funding;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to renew the application for federal funding for the Brownfields grant to conduct the studies specified in the grant and in the proposals prepared by the City Department of Health and Housing, and to take such other and required actions as are necessary to accomplish the purposes hereof.

The resolution to make a renewed application and accept grant funding from the U. S. Environmental Protection Agency in the amount of \$200,000 for the continuation of studies specified in the grant proposal was adopted on the Consent Calendar.

9 – RESOLUTION – Wooster Mountain Shooting Range Noise Abatement Study

RESOLVED by the Common Council of the City of Danbury:

BE IT RESOLVED that Mark D. Boughton, Mayor of the City of Danbury be and hereby is authorized to execute on behalf of the City of Danbury a Personal Services Agreement (PSA) with the State of Connecticut for financial assistance to undertake a noise abatement study to identify alternatives, recommend options for implementation and develop preliminary cost estimates for measures to mitigate noise emanating from the Wooster Mountain Shooting Range.

IN ADDITION, that Mark D. Boughton, Mayor, is authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

The resolution to authorize the Mayor to execute a Personal Service Agreement between the City of Danbury and the State of Connecticut relative to the Noise Abatement Study as described was adopted on the Consent Calendar.

10 – RESOLUTION – Storm Drainage Easement – 1A Grandview Drive

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, complaints have been received by the City of Danbury relative to a storm drainage problem at 1A Grandview Drive; and

WHEREAS, the City of Danbury has hired an engineering consultant to design a plan to alleviate the problem; and

WHEREAS, the acquisition of said easements is in the best interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owners named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED, THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit within six months of the date hereof, against the name property owners, their heirs, executors, successors and assigns and their mortgage holders and encumbrancers, if any.

The resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 1A Grandview Drive as described was adopted on the Consent Calendar.

11 – RESOLUTION – Storm Drainage Easement – 6 Zinn Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, complaints have been received by the City of Danbury relative to a storm drainage problem at 6 Zinn Road; and

WHEREAS, the City of Danbury has hired an engineering consultant to design a plan to alleviate the problem; and

WHEREAS, the designed solution will require the acquisition of drainage easements from the owners of said property; and

WHEREAS, the acquisition of said easements is in the best interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owners named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit within six months of the date hereof, against the named property owners, their heirs, executors, successors and assigns and their mortgage holders and encumbrancers, if any.

The resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 6 Zinn Road as described was authorized on the Consent Calendar.

12 – RESOLUTION – Storm Drainage Easement – 49 East Gate Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, complaints have been received by the City of Danbury relative to a storm drainage problem at 49 East Gate Road; and

WHEREAS, the City of Danbury has hired an engineering consultant to design a plan to alleviate the problem; and

WHEREAS, the designed solution will require an acquisition of drainage easements from the owners of said property; and

WHEREAS, the acquisition of said easements is in the bet interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owners named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit within six month of the date hereof, against the named property owners, their heirs, executors, successors and assigns and their mortgage holders and encumbrancers, if any.

The resolution to authorize the Corporation Counsel to acquire easements relative to storm drainage problems at 49 East Gate Road as described was adopted on the Consent Calendar.

13 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Thomas G. Connors as a police officer. Mr. McAllister made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

14 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Boughton requesting the confirmation of the appointment of John W. Schmidt as a police officer. Mr. Dittrich made a motion to receive the communication and confirm the appointment. Seconded by Mr. Scozzafava. Motion carried unanimously.

15 – COMMUNICATION – Promotion to Assistant Fire Chief

Letter from Mayor Boughton requesting confirmation of the promotion of Captain Charly Slagle II to the rank of Assistant Fire Chief. Mr. Nolan made a motion that the communication be received and the promotion confirmed. Seconded by Mr. Shuler. Motion carried unanimously.

16 – COMMUNICATION – Appointment as Alternate Member of EIC

Letter from Mayor Boughton requesting confirmation of the appointment of Richard J. Antous, Jr. as an alternate member of the Environmental Impact Commission for a term to expire December 1, 2005. The appointment was confirmed on the Consent Calendar.

17 – COMMUNICATION – Reappointment as Alternate Member of the EIC

Letter from Mayor Boughton requesting confirmation of the reappointment of Thomas Pinkham as an alternate member of the Environmental Impact Commission for a term to expire December 1, 2005. The reappointment was confirmed on the Consent Calendar.

18 – COMMUNICATION – Appointments to the Ethics Commission

Letter from Mayor Boughton requesting confirmation of the appointments of Arthur J. Mannion, Joseph Pepin, William D. Boehm, Hillel Goldman and Margaret Koschel to the Ethics Commission for terms to expire December 1, 2007. The appointments were confirmed on the Consent Calendar.

19 – COMMUNICATION – Donation to the Welfare Department

Letter from Director of Welfare Deborah MacKenzie requesting permission to accept gift certificates in the amount of \$200 from Associated Spine & Rehab to a local supermarket. Mr. Saadi made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

20 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation from McRedmond & Company in the amount of \$4,808 to be used towards the purchase of equipment for the Hazardous Materials Team. Mr. Nolan made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

21 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the amount of \$67.50. Mr. Furtado made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

22 – COMMUNICATION – Donation to the Still River Greenway Project

Letter from Fairfield County Community Foundation donation the sum of \$500 to be used for the Still River Greenway, Eagle Road Bridge Water Quality Improvement Project. Mr. McAllister made a motion that the communication be received, the donation accepted, the proper line item credited and a letter of thanks sent. Seconded by Mr. Null. Motion carried unanimously.

23 – COMMUNICATION – Donation of Greenhouse and Trailer

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

24 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath asking for a transfer of funds in the amount of \$931 from the Elderly Services Donations Account to the Commission on Aging Budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

25 – COMMUNICATION – Charter Revision Commission

Letter from Council Member John Gogliettino asked that a Charter Revision Commission be appointed to review updating the charter, specifically giving the Mayor a four-year term, removal of the Mayor as presiding officer of the Common Council, eliminate the position of City Clerk, review minority representation and any technical changes necessary. Mr. Furtado asked that this be referred to an ad hoc committee and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Levy, Saadi and Nolan to the committee.

26 – COMMUNICATION – Budget Deficit of the Board of Education

Mrs. Basso asked that this be moved to be acted upon in conjunction with item 39. Seconded by Mr. Darius. Motion carried unanimously.

27 – COMMUNICATION – Bear Mountain Reservation

Request from Director of Parks and Recreation Robert Ryerson asking for permission to use accrued funds from the past rental receipts at the Bear Mountain cottage to perform necessary work to the roof and building. A certification of funds was attached. Mr. Saadi made a motion to receive the communication and authorize the appropriation of funds to be used as described. Seconded by Mr. Gogliettino. Motion carried unanimously.

28 – COMMUNICATION – Easement Exchange for Western Connecticut State University

Letter from Thomas Carlone, Director of Planning and Engineering for Western Connecticut State University requesting that the Common Council review and approve the exchange of existing sanitary sewer and storm drainage easements for the proposed Science Building site at the downtown campus. A report from the City Engineer William Buckley was attached recommending this exchange.

A resolution to authorize the Corporation Counsel to acquire easements relative to Western Connecticut State University's new science building subject to City of Danbury conditions and a positive recommendation from the Planning Commission was adopted on the Consent Calendar.

29 – COMMUNICATION – Request for Renumbering of Buckskin Heights Drive

Mr. McAllister asked that this be referred to the Director of Public Works, the Corporation Counsel, the Director of Planning and the 911 Emergency Coordinator for reports back within thirty days. Mayor Boughton so ordered.

30 – COMMUNICATION – Lease of Land – Intersection of Backus/Kenosia Avenues

Mr. Saadi asked that this be referred to an ad hoc committee, the Planning Commission, the Director of Finance, the Corporation Counsel, the Airport Administrator and a representative of JayEarl Associates. Mayor Boughton so ordered and appointed Council Members Furtado, Kelly and Dittrich to the committee.

31 – COMMUNICATION – Discontinuance of a Portion of Ye Olde Road

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

32 – COMMUNICATION – Candlewood Terrace Water Problems

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

33 – COMMUNICATION – Request for Water Extension – 60 Forest Avenue

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

34 – COMMUNICATION – Reports regarding Family & Children's Aid – 79 West Street

Report from the Director of Public Works William Buckley recommending that the Common Council take no action on this request because it has been determined that the break was actually in the lawn and the repair was made quickly. The report was received on the Consent Calendar and no action taken.

35 – COMMUNICATION – Reports regarding Danbury Square Box

Reports from the Director of Public Works William Buckley and Assistant Corporation Counsel Eric Gottschalk regarding this request for waiver of a sewer connection fee. Mr. Buckley states that it would be inappropriate to entertain the request and he does not believe there is any merit to granting such a waiver and it would be a bad idea to start this practice. Attorney Gottschalk states that the Common Council has the authority to grant this request.

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

36 – COMMUNICATION – Reports regarding Cedar Road

Reports from Director of Public Works William Buckley and Assistant Corporation Counsel Eric Gottschalk. Mr. Buckley recommended that the Common Council deny this

request without prejudice because it would be very difficult to provide satisfactory systems of road drainage and sewage disposal in this area without conflicting with health code regulations. The reports were received on the Consent Calendar and no action taken.

37 – COMMUNICATION – Reports regarding Old Sherman Turnpike

Reports from the Director of Public Works William Buckley and Assistant Corporation Counsel Laszlo Pinter. Mr. Buckley recommended no action be taken but he would try to determine what the intent of the petition actually is. Attorney Pinter concurred with Mr. Buckley's report. The reports were received on the Consent Calendar and referred to the Mayor's Office for possible addition to the City's Capital Improvement Budget.

38 – REPORT – Willow Lane and Berkshire Place

Mr. Buzaid submitted the following report:

The Common Council Committee was called to order at 7:04 P.M. In attendance were committee members Buzaid, Machado and Nolan. Also in attendance were Director of Public Works William Buckley, Council Members McAllister, Gogliettino and Levy, ex-officio and Lynn Waller. The petitioner, Stephen Flanagan, did not attend.

Mr. Buzaid asked Mr. Buckley for his recommendations regarding this request. Mr. Buzaid stated that he and Frank Cavagna went out and looked at the road. There were catch basins that were in disrepair. They were repaired last week. He would not do any paving on this dead end street this year, or next, because traffic is limited and only the residents use it. It is not necessary to put in further drainage.

The road is low on the list to have a sewer assessment done. Director of Health William Campbell has issued a violation at 5 Berkshire Place for a failing septic system. There are no failures or repairs on Willow Lane and there have been seven repairs on Berkshire Place.

Mr. Nolan made a motion to accept the recommendations and take no further action. Seconded by Mr. Machado. Motion carried unanimously.

The report regarding Willow Lane and Berkshire Place was received on the Consent Calendar and its recommendations approved.

39 – REPORT – Board of Education Budget Deficit

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the Board of Education Budget Deficit met on September 17, 2002 and again on November 19, 2002. In attendance at the September 17<sup>th</sup> meeting were committee members Levy and Nolan. Also in attendance were School Board Members Bobby Poole, Eileen Alberts, J. R. Mitchell, Lou Rotello and Cathleen Silva, Mayor Mark Boughton, Acting Superintendent of Schools Bill Glass, Finance Director Dena Diorio, Board Finance Director Elio Longo, Council Members McAllister and Darius, ex-officio, Lynn Waller and Michael Cormier. In attendance at the November 19<sup>th</sup> meeting were committee members Levy and Nolan. Also in attendance were Mayor Mark Boughton, Director of Finance Dena Diorio, School Finance Director Elio Longo, School Board Members George O'Loughlin, Louis Rotello and Ellen Morlock, Council Members Gogliettino, Moore and McAllister, ex-officio and Julie Moore and Lynn Waller.

At the September 17<sup>th</sup> meeting, Mayor Boughton said he would like to find out how we got here, determine what to do in the future so that it does not reoccur and determine how to foster better communications between the Mayor's Office, the Common Council and the Board of Education. He is concerned that we have and bond and credit rating to protect and within the last several years the Board has run deficits twice. It is important that all agencies be on the same page.

Mr. Levy asked Ms. Diorio to explain the impact of deficit spending on bond issues from rating services. Ms. Diorio said that when deficit spending occurs, the money must come out of the fund balance. Credit agencies look closely at the fund balance. They also look at the depth of the financial burden. If we have a downgrade, it costs us money when we go out into the market.

Board Chairman Bobby Poole stated that the Board of Education is aware of the guidelines regarding staying within the budgetary appropriations given to it by the Common Council. He said that one of the overruns was generated because of medical premiums. He stated that the board is reinforcing the process of tracking expenditures. There will be appropriate personnel actions taken when the guidelines are not followed. All persons who need to purchase supplies or buy services know that any deviations to the guidelines should not occur. Dr. Glass stated that it merits repeating that no one disagrees that these deficits are inappropriate.

Mr. Longo stated that the Board is looking at an unbudgeted figure of between \$360,000 and \$375,000. Mayor Boughton asked how he arrived at that figure since at the last meeting the figure was \$338,000. Mr. Longo stated that new invoices had surfaced since that meeting. He explained the accounts in which the overages had occurred. A discussion followed regarding practices and procedures, and expenditures and salaries.

Mr. Levy then asked Ms. Diorio to clarify what the law requires. She stated that the law is clear. The Board is not allowed to spend more money than the City allocates. They must come to the City before deficit spending occurs. There is a violation that these funds were expended. Mr. Poole stated that there would be no future expenditures that would exceed the budget without prior notification to the Mayor and the Common Council.

Mr. Levy presented recommendations from the auditor's reports ending 2000 and 2001. A recommendation from the 2000 report reads, "The Board of Education should strongly consider performing an operational review of its business office to assess its staffing, responsibility assignments, internal controls and the overall efficiency and effectiveness of its accounting and financial reporting. The review should determine if the vacant Business Manager position should be filled and whether the department is properly staffed to ensure timely and accurate financial reporting as well as grant administration and strong internal controls. The end result of such a review should be to produce an operational plan for the improvement of the department as well as formal written policies and procedures for current and any future department employees to follow. The same recommendation was in the 2001 report. Mr. Levy stated that he, the Mayor and the Director of Finance would be meeting with the auditors and will inquire if these recommendations have been eliminated.

Mr. Nolan made a motion to request that the Board of Education and its Finance Director prepare a response to the auditors concerns and their remedial actions and submit it to this committee, which will reconvene. Seconded by Mr. Levy. Motion carried unanimously.

Mr. Levy stated that he had submitted questions to Mr. Longo and asked him to address those questions.

Mr. Longo spoke regarding written policies and procedures for purchasing. He is in the process of developing a policies and procedures book. A discussion followed regarding purchasing practices. Mr. Longo stated that much of the undocumented expenses were sports related. Discussion also followed regarding salary accounts. Mr. Nolan asked if controls are being put into place for salaries. Mr. Longo said he is working to develop a system to find red flag items.

Mr. Levy asked when the new policies and procedures book would be available. Mr. Longo said it should be available within the next 30-40 days. Mr. Levy asked that a copy be given to the Common Council when it is available.

Mr. Nolan made a motion to accept the report of the Board of Education and take no action at this time. Seconded by Mr. Levy. Motion carried unanimously.

Mr. McAllister made a motion to receive the report and approve the conditions contained therein. Seconded by Mr. Gogliettino. Discussion followed on many avenues that could be taken to address this issue. Mr. Gogliettino made a motion to move the question. Seconded by Mr. McAllister. Motion carried with Mr. Darius abstaining and Dean Esposito voting no.

Motion carried with Council Members Dean Esposito and Darius voting in the negative.

26 – Memorandum from Director of Finance Dena Diorio stating that because the Board of Education exceeded its authorized appropriation, the Common Council should approve an appropriation from the City's fund balance to cover the excess spending. She certified the availability of \$358,631 from the City's fund balance to cover the over-spending by the Board of Education.

Mr. McAllister made a motion to receive the communication and authorize the appropriation of \$358,000 to cover the Board of Education's deficit spending. Seconded by Mr. Scozzafava. After discussion, Mr. Darius made a motion to table. Motion failed for a lack of a second. Mr. Nolan made a motion to move the question. Seconded by Mr. Saadi. Motion carried with Council Members Dean Esposito and Darius voting in the negative.

Motion carried with Mr. Darius voting in the negative.

40 – REPORT – Stop Sign on Franklin Street and Starr Avenue

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request for a stop sign on Franklin Street and Starr Avenue met on November 14, 2002 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Buzaid and Basso.

Mrs. Basso said that a report was issued when this matter was originally discussed. The traffic engineer stated that a stop sign was warranted but a traffic light was not. The Chief of Police did not agree with this report. The stop signs would be on Franklin Street. There are already stop signs on Starr Avenue and Rose Street.

Mrs. Basso made a motion that two stop signs be installed on Franklin Street, to be covered for thirty days, and markers put up so that people are aware that the signs are coming. In addition, the roads should be marked. Seconded by Mr. Buzaid. Mr. Buzaid said that the signs should be installed upon the approval of the traffic engineer. Motion carried unanimously.

Mrs. Basso made a motion to receive the report and take no action. Seconded by Mr. Nolan. Motion carried unanimously.

41 – See beginning of agenda

42 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Public Works, Department of Elderly Services, Health and Housing, Parks and Recreation, Permit Center, Building Department. Mr. Levy made a motion that the department reports be accepted as submitted and the reading waived as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Machado. Mr. Gogliettino asked that the Corporation Counsel give an updated report on pending litigation at the next meeting. Mayor Boughton said they would. Motion carried unanimously.

43- COMMUNICATION – Request for Extension of Storm Drainage System – 23, 25 & 29 Sugar Hollow Road. Mrs. Basso asked that this be referred to the Director of Public Works, the Planning Commission, the Corporation Counsel and the Airport Administrator for reports back in thirty days. Mayor Boughton so ordered.

Mayor Boughton announced that this would be Dave Mazzuchelli's last meeting as he is moving to Arizona. Mr. Mazzuchelli stated that this had been an interesting

year and thanked his constituents for the opportunity to serve. Mr. Levy thanked Mr. Mazzuchelli for the many hours he put in and said that Mr. Mazzuchelli will be a hard person to replace.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Nolan at 9:40 P.M. for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

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MARK D. BOUGHTON  
Mayor