

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Special Meeting held January 21, 2003

The meeting was called to order at 8:05 P.M. The Pledge of Allegiance and Prayer were recited. Roll call was taken and the members were recorded as:

PRESENT – Nolan, McAllister, Null, Kelly, Coladarci, Buzaid, Dean Esposito, Machado, Shuler, Levy, John Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

ABSENT – Scozzafava

20 Present – 1 Absent

**NOTICE OF THE SPECIAL MEETING** – There will be a Special Meeting of the Common Council on January 21, 2003 at 8:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the following items. Mr. Levy made a motion to accept the call and the return of service. Seconded by Mr. Gogliettino. Motion carried unanimously.

Mayor Boughton offered his condolences to the Define family on the passing of former Mayor John Define. A moment of silence was held.

### **PUBLIC SPEAKING**

Lynn Waller, 83 Highland Avenue – Thanked the Council for voting for the veterans tax credits and regarding the retirement incentive program, asked if someone opts to take early retirement will they have to give back the incentives if they come back as a contract person. Mayor Boughton does not anticipate back filling positions and noted that the pension is charged to the pension fund.

#### 1 – COMMUNICATION – Snow Removal Expenses

Request from Director of Finance Dena Diorio stating that the City's snow-related accounts are depleted. She attached an analysis reflecting the current balances in the affected accounts and projected expenditures for the remainder of the year. She requested that the sum of \$217,800 in additional funds be transferred for the City Engineer and the Airport Administrator.

Mr. McAllister made a motion that the communication be received and that the sum of \$217,800 be appropriated from the contingency account for the city's snow-related accounts. Seconded by Mr. Nolan. Motion carried unanimously.

#### 2 – REPORT & ORDINANCE – Veterans Tax Credits

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers on January 13, 2003.

Mr. Setaro made a motion to recommend adoption of the ordinance increasing the exemption from \$1,000 to \$10,000. Motion was seconded.

Mr. Buzaid asked what qualifies someone as a veteran? Attorney Gottschalk stated that statutes contain a definition of a veteran, which he will provide. Mr. Saadi stated that the legislation defines veterans as those who serve in conflicts. The Legislature amends this legislation to include new conflicts.

Motion carried unanimously.

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

THAT Subsections 18-15(b) and 18-15(c) of the Code of Ordinances of Danbury, Connecticut are hereby amended to read as follows:

Sec. 18-15. Additional exemption for veterans and spouses of low and moderate income.

- (b) Any veteran entitled to an exemption from property tax in accordance with subdivision 19 of Section 12-81 of the Connecticut General Statutes shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of ten thousand dollars (\$10,000.00), provided such veteran's qualifying income does not exceed the applicable maximum amount as provided under Section 12-81 of the Connecticut General Statutes.
- (c) Any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision 22 of Section 12-81 of the Connecticut General Statutes shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of ten thousand dollars (\$10,000.00), provided such surviving spouse's qualifying income does not exceed the applicable maximum amount applicable to an unmarried person as provided under Section 12-81 of the Connecticut General Statutes.

Mr. Nolan made a motion to receive the report and adopt the ordinance change. Seconded by Mrs. Basso. After discussion regarding the definition of a veteran, Mr. McAllister moved the question. Seconded by Mr. Shuler. Motion carried with Dean Esposito and Jean Darius voting in the negative.

Main motion carried unanimously.

### 3 – REPORT & ORDINANCE – Retirement Incentive Program

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on January 13, 2003 immediately following a public hearing in the Common Council Chambers.

Dean Esposito asked the Director of Finance to give an overview of the format that was used. Ms. Diorio stated that this is only for general pension employees, not for police or fire. The employee has to be vested. The increase is from one and one-half to one and three-quarters. There is a lump sum pension bonus that would continue for five years. Mr. Gogliettino asked what the cost of the program would be. Ms. Diorio said that there are 73 people eligible and if all of them took this it would cost one and a half million dollars out of the pension fund. They must make their election by March 7<sup>th</sup>, effective June 30<sup>th</sup>.

Mrs. Coladarci moved to recommend adoption of the ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

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

1. The City of Danbury hereby adopts the 2003 Retirement Incentive Program ("Program").
2. Those eligible for this program include only active employees of the City of Danbury who are:
  - a) participants in the General Employees Pension Plan;
  - b) who have at least ten (10) years of credited service in the pension plan;
  - c) are eligible for early or normal retirement; and
  - d) either are not represented by a union or are represented by a union with whom the City has entered into an agreement for its bargaining unit members to participate in the 2003 Retirement Incentive Program.

The term "credited service" shall be defined in Section 14-2 of the Code of Ordinances of the City of Danbury.

This Program shall not apply to individuals currently receiving a pension or previously retired under the City Charter or under a current or prior collective bargaining agreement.

3. Eligible employees shall elect their participation in the Program no later than March 7, 2003 by submitting a written election to the Director of Finance. Such election to retire under this offering shall be irrevocable after March 7, 2003. The retirement date and the last day of work for individuals so electing shall be: (i) not earlier than May 1, 2003 and (ii) not later than June 30, 2003. An Employee that has not elected an optional form of benefit within the timeframe specified by Section 14-6 of the Code of Ordinances, and desires to make such an election, must do so within ten (10) days of submitting his or her election to retire under the terms of this Program.
4. An employee who is interested in electing participation in the Program should schedule a personal review meeting with the Finance Department staff as soon as possible. Although the City will make a reasonable effort to identify and notify all eligible employees, it is ultimately the employee's responsibility to investigate whether he or she is eligible.
5. An employee who retires under this Program shall receive the following benefits:
  - a. For an employee who, as of June 30, 2003 either (1) has or will have met the rule of 85 or (2) has or will have (i) attained age 65 and (ii) completed at least ten (10) years of credited service under the pension plan, the benefit formula will be increased from one and one-half percent (1.5%) to one and three-quarter percent (1.75%) and there shall be no actuarial reduction for retirement prior to normal retirement age applied to such pension benefit. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.
  - b. For an employee who has or will have as of June 30, 2003, (i) attained age 60, and (ii) completed at least twelve (12) years of credited service under the pension plan, there shall be no actuarial reduction for retirement prior to normal retirement age applied to the pension benefit determined under the current pension plan. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.
  - c. For an employee who has or will have as of June 30, 2003, (i) attained age 55, and (ii) completed at least fifteen (15) years of credited service under the pension plan, the actuarial reduction for retirement prior to normal retirement age applied to the pension benefit determined under the current pension plan will be reduced from ½% to ¼% for every month that the commencement of the benefit precedes the earlier of: (x) the normal retirement date, or (y) the date on which the employee's age plus years of credited service would equal 85. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.
  - d. In addition, employees electing to retire under this agreement will receive the following pension bonus, based upon their years of credited service.

<u>Years of Credited Service</u>	<u>Lump Sum Pension Bonus*</u>
10 years and less than 15 years	\$ 250/yr for 5 years

15 years and less than 20 years	500/yr for 5 years
20 years and less than 25 years	1,000/yr for 5 years
25 years and less than 30 years	2,000/yr for 5 years
30 years and over	3,000/yr for 5 years

- Payments will be made annually, commencing on or around July 31, 2003, and each July 31<sup>st</sup> thereafter until July 31, 2007.

6. The City reserves its right to cancel or withdraw this Program for any reason whatsoever, provided the City makes a written election to do so no later than April 30, 2003 and so notifies those who elected to participate in accordance with Section 3 hereof. In the event that the City cancels or withdraws this Program, an employee who has made an election to participate under Section 3 above shall have the right to withdraw his or her application for retirement, by written notice to the Director of Finance.

Mr. Gogliettino made a motion to receive the report and adopt the Retirement Incentive Program Ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

4 – REPORT & ORDINANCE – Section 2-143.8, 16-48 and 21-63

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 13, 2003 in the Common Council Chambers.

Mr. Buckley said that this has to do with the fifty-foot rule. If someone has fifty feet of frontage, they are charged for fifty feet. This change is so that a person with zero frontage is charged the same as the person with less than fifty feet because there is still a benefit.

Mr. Gogliettino made a motion to recommend adoption of the ordinance change. Seconded by Mrs. Basso. Motion carried unanimously.

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

THAT Subsection (a) of Section 2-143 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-143.8 Calculation of frontage.

- (a) For purposes of this division, any lot with frontage on a street will be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this division, any landlocked lot benefiting from a public work or infrastructure improvement shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

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

THAT Subsection (a) of Section 16-48 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-48. Calculation of frontage.

- (a) For purposes of this article, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this article, any landlocked lot benefiting from a sewerage project shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

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

THAT Subsection (a) of Section 21-63 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-63. Calculation of frontage.

- (a) For purposes of this article, any lot with frontage on a street shall be deemed to have a minimum frontage of fifty (50) feet even though the actual frontage shall be less than fifty (50) feet. For purposes of this article, any landlocked lot benefiting from a waterworks project shall be deemed to have a minimum frontage of fifty (50) feet even though the lot has no actual street frontage.

Mr. Nolan made a motion that the report be received and the ordinances adopted. Seconded by Mr. Buzaid. Motion carried unanimously.

5 – REPORT – Sanitary Sewer Extension on Old Shelter Rock Road and Woodside Avenue

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on January 13, 2003 immediately following a public hearing in the Common Council Chambers

Mr. Buckley stated that the range of assessments is between \$10,000 and \$20,000. The highest assessment is \$33,000 and the lowest assessment is \$7,000. The average cost citywide is \$15,000. Mr. Furtado asked when the work would begin if the assessments are approved. Mr. Buckley stated that it would go out to bid as quickly as possible and the work would begin in about three months. Mr. Setaro stated that this is in the same area as the Tilden Road and Olive Street project and would it be more likely that these would be done if this project were approved? Mr. Buckley stated that they are completely separate projects.

Mr. Saadi made a motion to approve the assessments as presented and authorize the department to proceed with the bidding process. Seconded by John Esposito. Motion carried unanimously.

Mr. Saadi made a motion to receive the report and authorize the sanitary sewer extension project to go forward. Seconded by John Esposito. Motion carried unanimously.

6 – REPORT & ORDINANCE – Designation of Blight Inspector

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 13, 2003 in the Common Council Chambers.

Mr. Saadi made a motion to recommend the adoption of the ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

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

Sec. 12-34. Citations

- (a) In accordance with the provisions of Connecticut General Statutes, subsection 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) hereof may be enforced by citation.
- (b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

- 1) The fire chief or his designee herein shall be authorized to issue citations for violations of the provisions of section 3A-42, 3A-43 and 3A-49 of the Danbury Code of Ordinances.
- 2) The health director or his designee shall be authorized to issue citations for violations of the provisions of articles II, V and VI of chapter 9 as well as the provisions of sections 10-3, 10-4, 10-5, 10-6, 10-7 and 10-10 of the Danbury Code of Ordinances.
- 3) The director of public works or his designee shall be authorized to issue citations for violations of the provisions of sections 12-22, 12-31, 12-32, 16A-1, 17-34 as well as the provisions of articles I and II of Chapter 16, article I of Chapter 17 and articles I and II of Chapter 21 of the Danbury Code of Ordinances.
- 4) Danbury police officers shall be authorized to issue citations for violations of the provisions of sections 3A-27, 12-2, 12-3, 12-4, 12-12, 12-13, 12-14, 12-24, 12-33, 18-13 and 19.34.1 of the Danbury Code of Ordinances. In addition to the foregoing, Danbury police officers shall also be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified in paragraphs (1) through (3) of this subsection.
- 5) The Blight Inspector, as such official may be designated and established within the office of the Danbury Building Inspector, shall be authorized to issue citations for violations of the provisions of Article VI of Chapter 10 of the Code of Ordinances, pertaining to blight remediation.

- (c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.

Mr. Nolan made a motion to receive the report and authorize adoption of the ordinance. Seconded by Mr. Shuler. Motion carried unanimously.

7 – REPORT & ORDINANCE – Section 9-8 and Section 9-69 of the Code of Ordinances

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on January 13, 2003 immediately following a public hearing in the Common Council Chambers.

Mr. McAllister asked when the fees were last raised. Mr. Buckley said they were raised in 1999. Attorney Gottschalk noted that the ordinances are before the Common Council this evening, but the attached resolutions would have to be adopted at the regular Common Council Meeting in February.

Mr. McAllister made a motion to recommend adoption of the ordinance change. Seconded by Mr. Furtado. Motion carried unanimously.

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

THAT Subsection (a) of Section 9-8 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 9-8. Subsurface sewage disposal system permit.

- (a) No subsurface sewage disposal system permit shall be issued by the health department of the City of Danbury until the applicant has paid the required permit fee of one hundred twenty-five dollars (\$125.00). No subsurface sewage disposal system shall be repaired until a permit authorizing said

repair has been issued by the health department of the City of Danbury and the applicant has paid the required permit fee of seventy-five dollars (\$75.00).

- (b) In addition, when required by the director of the Danbury Health Department pursuant to subsections 19-13-B103c or 19-13-B103e of the Public Health Code of the State of Connecticut, the proposed system shall be based upon a plan prepared by a professional engineer, registered in the State of Connecticut. In that event, no permit shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of one hundred twenty-five dollars (\$125.00). Further, when required by the Director of the Danbury Health Department, the proposed system for properties not subject to subsections 19-13-B103c or 19-13-B103e of the Public Health Code of the State of Connecticut shall be based on a plan prepared by a Connecticut licensed sub-surface sewage installer. In that event, no permit shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of seventy-five dollars (\$75.00).
- (c) In those instances where a professional engineer prepares a plan pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be given until the required fee has been paid. The fee for the review for the aforesaid plans shall be in the amount of one hundred twenty five dollars (\$125.00). Further, in those instances where a professional engineer prepares a plan for retroactive approvals pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of two hundred fifty dollars (\$250.00).

In those instances where a licensed sub-surface sewage installer prepares a plan pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be given until the required fee has been paid. The fee for the review for the aforesaid plans shall be in the amount of seventy-five dollars (\$75.00). Further, in those instances where a licensed sub-surface sewage installer prepares a plan for retroactive approvals pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of two hundred dollars (\$200.00).

- (d) In those instances where plans prepared by a professional engineer or sub-surface sewage installer are revised by the applicant, as opposed to those revisions requested by the Danbury Health Department, no plan approval shall be given until a fee of fifty dollars (\$50.00) is paid for each applicant revision.

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

THAT Section 9-69 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 9-69. Inspection for compliance.

The director of health or his designee shall annually inspect any sites where hazardous substances are stored, used, mixed or produced and shall issue a certificate of compliance with respect to all sites found to be in compliance with the provisions of this Article. The fee for said certificate shall be one hundred dollars (\$100.00). In addition to the foregoing, the director of health or his designee may inspect any such sites at such other times as he shall deem advisable in order to insure compliance with the provisions hereof.

Mr. McAllister made a motion that the report be received and the ordinances adopted. Seconded by Mr. Shuler. Motion carried unanimously.

8 – REPORT & ORDINANCE – Section 16-4 and Section 21-3 of the Code of Ordinances

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on January 13, 2003 immediately following a public hearing in the Common Council Chambers.

Mr. Buckley noted that whenever someone comes in for a permit it is always for an increase, not a decrease. They still need the permit even for a decrease. This makes the ordinance clear that a permit is needed even when someone is lowering what they are doing.

Mr. Gogliettino made a motion to recommend adoption of the ordinance change. Seconded by Mr. Buzaid. Motion carried unanimously.

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

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

Sec. 16-4. Connection permits required; connection fee; refunds; penalty for violations.

- (a) Permit. No person shall make any connection with any public sewer or increase the volume discharged or decrease the volume discharged to any public sewer without a permit from the city engineer and the superintendent of public utilities. No such permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred dollars (\$200.00) to cover administrative costs associated therewith. All such permits shall be valid for a period of one year from the date of issuance. Every permit issued hereunder shall be subject to the rules and regulations of the Danbury Department of Public Works.

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

THAT Section 21-3 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-3. Use of service pipe and water – Permit required, fee, etc.

No person shall make any connection to the Danbury public water system nor make and additional use nor connect any additional service pipe, plumbing or fixture nor reduce use nor eliminate any service pipe, plumbing, or fixture without making an application to and receiving a permit from the department of public works. No such permit shall be issued until the applicant has paid a nonrefundable permit fee of two hundred dollars (\$200.00) to cover administrative costs associated therewith. All such permits shall be valid for a period of one (1) year from the date of issuance. Every permit issued hereunder shall be subject to the rules and regulations of the Danbury department of public works. Every person who shall use public water system water without filing an application and obtaining a permit in accordance with the provisions of this section shall be liable for such use at a rate equal to three (3) times the regular rate.

Dean Esposito made a motion to receive the reports and adopt the ordinances. Seconded by Mr. Shuler. Motion carried unanimously.

There being no further business to come before the Common Council, Mr. Gogliettino made a motion for the meeting to be adjourned at 8:45 P.M.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

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MARK D. BOUGHTON  
Mayor