

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

RE: Minutes of the Common Council Meeting held February 4, 2003

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

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

ABSENT – Darius, Furtado

19 PRESENT – 2 ABSENT

Mr. Darius was out of town on business and Mr. Furtado was working

Mayor Boughton asked for a moment of silence in remembrance of the Columbia astronauts and for Anthony Esposito, the grandson of Council Member John Esposito.

PUBLIC SPEAKING

Donna Hamblet, 53 Coalpit Hill Road – spoke about the numerous traffic accidents on Coalpit Hill Road.

Gary Schloss, Hawthorne Terrace – would like the City to take over Hawthorne Terrace Water system because the City is going to tear up Shore Road and it would be a good time to do so.

MINUTES – Minutes of the Common Council Meeting held January 7, 2003 and the Special Common Council Meeting held January 21, 2003. Mr. Levy made a motion to accept the minutes as presented and waive the reading as all members have copies that 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:

3 – Adopt four resolutions to amend fees associated with issuance of certificates of apartment occupancy, food service licenses, rooming house and hotel licenses and well permit reviews

4 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Transportation in an amount of up to \$35,000 for the cost of wheelchair accessible vehicles as described

7 – Approve the appointment of Richard J. Antous, Jr. and Kevin B. Russell to the Environmental Impact Commission

13 – Approve acceptance of \$1,000 from the United Way of Northern Fairfield County for consumable supplies at the City Emergency Shelter as described

15 – Approve the transfer of \$374 from the Elderly Services Donations Account to the Commission on Aging budget as described

16 – Approve request to transfer \$10,000 to the Fire Department Special Services Account as described

24 – Approve utility easement to Yankee Gas Service Company subject to and activated upon approval by the Planning Commission as described

27 – Approve the discontinuance of a portion of Ye Olde Road as described subject to the conditions stated in the reports of the Director of Public Works and the Planning Commission

28 – Approve the request of Weeks Automobile Corporation to install storm water drainage on City property subject to the conditions stated in the reports of the Director of Public Works, the Airport Administrator, the Planning Commission and the EPA Guidelines

29 – Approve a utility easement request at Elmwood Place Senior Center to CL&P subject to and activated upon approval by the Planning Commission as described

30 – Receive a report regarding New England Aircraft Sales Lease and approve the recommendations as described

31 – Receive a report regarding snow plowing of private roads and approve the recommendations

32 – Receive a report regarding a request for sewer and water extension at Terre Haute Road and approve the recommendations

33 – Receive a report regarding a request for sewer extension at 1 Kenosia Avenue and approve the recommendations

Dean Esposito moved that the Consent Calendar be adopted as read. Seconded by Mr. Moore. Motion carried unanimously.

1 – ORDINANCE – Electronic Payments

Mrs. Coladarci asked that this be deferred to public hearing. Mayor Boughton so ordered.

2 – RESOLUTION – Veterans Property Tax Exemption

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to the provisions of section 12-81f of the Connecticut General Statutes, the State of Connecticut affords municipalities the option to offer tax relief to those veterans and their spouses who are eligible for tax exemptions under section 12-81 of the Connecticut General Statutes; and,

WHEREAS, in recognition of the extraordinary sacrifices made to the city, the state and the nation by veterans and their spouses, the City of Danbury has exercised that option and provided the maximum tax relief that state statutes allow; and

WHEREAS, said tax relief is only available to those veterans and their spouses who meet certain income limitations imposed by section 12-811 of the Connecticut General Statutes; and

WHEREAS, these income limitations do not reflect the high cost of living in Danbury and other municipalities throughout the State of Connecticut and as a result many veterans and their spouses who are in need of tax relief are ineligible for such relief; and

WHEREAS, the City of Danbury believes that it and other municipalities throughout the State should have the authority to provide additional tax relief pursuant to state statutes; and

WHEREAS, the City of Danbury and other municipalities throughout the State of Connecticut that provided the tax exemptions under section 12-81f of the Connecticut General Statutes do so absent any Federal or State funding for said tax exemptions; and

WHEREAS, all citizens of our Nation and all levels of government: Federal, State and municipal, owe our Nation's veterans and their spouses a debt of gratitude for their extraordinary sacrifices made on behalf of the entire Nation.

NOW, THEREFORE, BE IT RESOLVED THAT in recognition of those extraordinary sacrifices made to the city, the state and the nation by veterans and their spouses, the Common Council of the City of Danbury does hereby respectfully urge the General

Assembly of the State of Connecticut to amend the provisions of section 12-811 by modifying the income limitations thereby allowing substantially more veterans and their spouses to be eligible for the tax relief that could be offered by the City of Danbury and other municipalities within the State of Connecticut; and

BE IT FURTHER RESOLVED THAT in recognition of the debt all citizens of our Nation and all levels of government: Federal, State and municipal, owe our Nation's veterans and their spouses, the City of Danbury does hereby respectfully urge the General Assembly of the State of Connecticut to consider amending the General Statutes of the State of Connecticut to provide financial assistance to those municipalities that offer tax relief to veterans and their spouses under section 12-81 of the Connecticut General Statutes at a ratio to be determined by the General Assembly; and

BE IT FURTHER RESOLVED THAT in recognition of the debt all citizens of our Nation and all levels of government: Federal, State and municipal, owe our Nation's veterans and their spouses the City of Danbury does hereby respectfully urge the Congress of the United States to provide financial assistance to States and municipalities that provide veterans and their spouses with such tax exemptions.

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

3 – RESOLUTIONS – Health Department Fees

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted an ordinance designated as Section 10-10 concerning, among other things, the issuance of certificates of apartment occupancy; and,

WHEREAS, Subsection 10-10(4) of said ordinance provides for the establishment of a fee to be charged in connection with the issuance of said certificates,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT:

The Director of Health is hereby authorized and empowered to impose a fee of thirty-five dollars (\$35.00) for the issuance of all such certificates of apartment occupancy.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted a food service establishment ordinance designated as Chapter 8A of the Danbury Code of Ordinances; and

WHEREAS, Section 8A-6 of said ordinance provides for the establishment of an annual schedule of fees to be collected to defray the expenses of food service establishment licensing,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT:

The Director of Health is hereby authorized and empowered to impose the following fees for all licenses issued from July 1 through June 30 of each fiscal year.

1. All food service establishments, except food stores and markets, having a seating capacity of from zero (0) to fifty (50) seats shall pay an annual fee of one hundred dollars (\$100.00).
2. All food service establishments, except food stores and markets, having a seating capacity of from fifty-one (51) to one hundred (100) seats shall pay an annual fee of one hundred and fifty dollars (\$150.00).

3. All food service establishments, except food stores and markets, having a seating capacity of from one hundred (100) seats shall pay an annual fee of two hundred and fifty dollars (\$250.00).
4. All food stores and markets having a (retail) area of twenty-five hundred (2,500) square feet or less shall pay an annual fee of one hundred dollars (\$100.00).
5. All food stores and markets having a (retail) area of from twenty-five hundred and one (2,501) to five thousand (5,000) square feet shall pay an annual fee of two hundred dollars (\$200.00).
6. All food stores and markets having a (retail) area of over five thousand (5,000) square feet shall pay an annual fee of two hundred and fifty dollars (\$250.00).
7. Any food service establishment that fails to renew its license in accordance with the provisions of Section 8A-7 of the Danbury Code of Ordinances on or before August 1 of the applicable fiscal year shall be subject to a late payment fee of one hundred dollars (\$100.00).
8. The fees established in paragraphs 1 through 6 hereof are intended to defray the costs associated with routine periodic inspections of food service establishments, All such establishments requiring additional inspections due to the existence of conditions observed during routine inspections, which require correction and therefore reinspection, shall pay a fee of one hundred dollars (\$100.00) for the first such reinspection and a fee of two hundred dollars (\$200.00) per reinspection for every subsequent reinspection.
9. Any plan review and inspection required pursuant to Section 8A-2 and 8A-3 of the Danbury Code of Ordinances in connection with the construction, alteration or remodeling of food service establishments shall be performed by the Director of Health or his designee upon payment of a fee of one hundred and twenty-five dollars (\$125.00).
10. All food service establishments requiring more than one pre-operational inspection pursuant to Section 8A-3 of the Danbury Code of Ordinances due to the existence of conditions observed during the first pre-operational inspection which require correction and therefore reinspection, shall pay a fee of one hundred dollars (\$100.00) for the first such reinspection and a fee of two hundred dollars (\$200.00) per reinspection for every subsequent reinspection.
11. Any temporary food service establishment may obtain a license for its operations pursuant to Section 8A-8 of the Danbury Code of Ordinances upon payment of a thirty-five dollar (\$35.00) license fee.
12. No license fee shall be required of a not-for-profit entity operating a food service establishment.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has enacted an ordinance designated as section 10-11 of the Danbury Code of Ordinances concerning, among other things, the licensing of rooming houses and hotels; and

WHEREAS, paragraph (e) of subsection 10-11(1) provides for the establishment of a reasonable schedule of annual fees to be collected to defray the expenses of licensing rooming houses and hotels.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT:

The director of health is hereby authorized and empowered to impose a licensing fee of eight dollars (\$8.00) per room for each habitable room in each such rooming

house or hotel. Said fee shall be imposed for all such licenses issued from July 1 through June 30 of each fiscal year.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 25-130 of the Connecticut General Statutes requires that before commencing work on any well, the registered well driller shall obtain a permit from the State of Connecticut authorizing said work; and

WHEREAS, said Section further requires that the well driller shall then submit the permit, together with a fee to be determined by the Common Council, to the local director of health or his agent who shall then sign said permit, provided that the proposed well conforms to the provisions of the Connecticut Public Health Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT:

The fee to be imposed in connection with the above-referenced well permit review is hereby established in the following amounts:

1. Drinking water wells – fifty dollars (\$50.00)
2. Irrigation wells – two hundred and fifty dollars (\$250.00)

The four resolutions to amend fees associated with issuance of certificates of apartment occupancy, food service licenses, rooming house and hotel licenses and well permit reviews was adopted on the Consent Calendar.

4 – RESOLUTION – Van Grant

RESOLVED by the Common Council of the City of Danbury

WHEREAS, the Federal Transit Administration will make grant funds available through the Connecticut Department of Transportation; and

WHEREAS, the funding will pay for 80% of the cost of wheelchair accessible vehicles for transporting elderly persons and persons with disabilities; and

WHEREAS, the City of Danbury is eligible to receive funds of up to \$35,000.00 from the Connecticut DOT; and

WHEREAS, the City of Danbury is required to provide 20% of the cost of the vehicle, up to \$8,750.00.

NOW, THEREFORE, BE IT RESOLVED that Mark D. Boughton, as Mayor of the City of Danbury, is hereby authorized to make application for said funding and to sign any documents necessary to effectuate the purposes of said grant.

The resolution to apply for and accept grant funding from the Connecticut Department of Transportation in an amount of up to \$35,000 for the cost of wheelchair accessible vehicles was approved on the Consent Calendar, as described.

5 – COMMUNICATION – Promotion to Lieutenant in the Fire Department

Request from Mayor Mark Boughton that the promotion of Firefighter William J. Lounsbury to Lieutenant in the Fire Department be confirmed. Mr. Dittrich made a motion to receive the communication and confirm the promotion. Seconded by Mrs. Basso. Motion carried unanimously.

6 – COMMUNICATION – Promotion to Captain in the Fire Department

Request from Mayor Mark Boughton that the promotion of Lieutenant Stephen G. Williams to the rank of Captain in the Fire Department be confirmed. Mr. Kelly made a

motion that the communication be received and the promotion confirmed. Seconded by Mr. Nolan. Motion carried unanimously.

7 – COMMUNICATION – Appointments to the Environmental Impact Commission

Request from Mayor Mark Boughton that the appointments of Richard J. Antous and Kevin B. Russell to the Environmental Impact Commission for terms to expire December 1, 2005. The appointments were confirmed on the Consent Calendar.

8 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath for permission to accept donations in the total amount of \$75 for the use of the Senior Center. Mr. McAllister made a motion to receive the communication, accept the donation, credit the appropriate line item and send letters of thanks. Seconded by Mr. Shuler. Motion carried unanimously.

9 – COMMUNICATION – Donations to the Library

Request from Library Director Betsy McDonough for permission to accept donations in the total amount of \$190 for the Library Fund Donations account. Mr. Gogliettino made a motion to receive the communication, accept the donations, credit the proper line item and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

10 – COMMUNICATION – Donation of a Blue Star Memorial Marker

Request from the Danbury Garden Club for permission to erect a Blue Star Memorial Highway Marker on the median at Exit 5. Mr. Moore made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Ms. Neptune. Motion carried unanimously.

11 – COMMUNICATION – Grant Donation to the Fire Department

Request from Fire Chief Peter Siecienski for permission to accept a grant donation from the Connecticut Fair Plan in the amount of \$500 for the purchase of a camera for the Fire Preventive Bureau. 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. Moore. Motion carried unanimously.

12 – COMMUNICATION – Donation to the Fire Department

Request from Fire Chief Peter Siecienski for permission to accept a donation from Tyuet Tran in the amount of \$75 for the volunteer training account. Mrs. Coladarci made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

13 – COMMUNICATION – FEMA Funds

Request from Welfare Director Deborah MacKenzie for permission to accept a \$1,000 donation from the Northern Fairfield County United Way to be used to purchase consumable supplies for the City's emergency shelter. The acceptance of \$1,000 from the Northern Fairfield County United Way was accepted on the Consent Calendar.

14 – COMMUNICATION – Donations to the Welfare Department

Request from Library Director Deborah MacKenzie for permission to accept a donation in the amount of \$222 from the City of Danbury employees to be split between the homeless services division and the social service office and also to accept a donation in the amount of \$50 from Mary McAtee. Mr. Saadi made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

15 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$374 from the Elderly Services Donations Accounts to the Commission on Aging budget for the professional services fees account. A certification of funds was attached. The transfer of funds was approved on the Consent Calendar.

16 – COMMUNICATION – Fire Department Special Services Account

Request from Fire Chief Peter Siecienski that the sum of \$10,000 be transferred into the Special Services Account due to ongoing events. The transfer of funds was authorized on the Consent Calendar.

17 – COMMUNICATION – Acceptance of Irving Place as a City Road

Dean Esposito asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel, the Chief of Police and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Coladarci, Shuler and Dittrich to the committee.

18 - COMMUNICATION – Lease of Property – 126 South Street

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

19 – COMMUNICATION – Request for the City to take over Hawthorne Terrace Water

Mr. McAllister 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 Furtado, McAllister and Basso to the committee.

20 – COMMUNICATION – Request for a committee regarding an EPA Lawsuit

Mr. Saadi excused himself from the dais due to a conflict of interest. Mr. Moore read a resolution concerning this for the record. Mr. Nolan asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Health. Mayor Boughton so ordered and appointed Council Members Kelly, Moore and Nolan to the committee.

21 – COMMUNICATION – Habitat for Humanity Development Proposals

Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel, the Director of Finance and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Moore, Neptune and Nolan to the committee.

22 – COMMUNICATION – Acceptance of Cobblestone Trail as a City Road

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

23 – COMMUNICATION – Traffic Conditions on Coalpit Hill Road

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

24 – COMMUNICATION – Executive Hangars, Yankee Gas Services Company Easement

Request from Assistant Corporation Counsel Laszlo Pinter for approval of an easement that would permit Yankee Gas Services Company to install and maintain a utility easement across and under perimeter property belonging to the City and leased presently to Executive Hangars, LLC on the west side of the Danbury Municipal Airport.

The utility easement to Yankee Gas Service Company subject to and activated upon approval of the Planning Commission as described was approved on the Consent Calendar.

25 – COMMUNICATION – Executive Air Service – Danbury Municipal Airport

Request from Assistant Corporation Counsel Laszlo Pinter proposing to conclude a series of transactions involving a division of leased acreage in the southwest side of the airport field as described. Mr. McAllister made a motion that the lease be accepted and the conditions therein approved. Seconded by Mrs. Coladarci. Motion carried with Council Members Null and Basso voting in the negative.

26 – COMMUNICATION – Reports regarding donation of a greenhouse and trailer. Reports from the Director of Public Works, the Director of Parks and Recreation and the Coordinator of Environmental Services declining these donations. However, the Tarrywile Park Business Manager would like the greenhouse to be donated to Tarrywile Park. Mr. Saadi made a motion to receive the reports and request that the Tarrywile Park Authority issue a more detailed report and to contact the donor directly to see if only the greenhouse can be donated. Seconded by Mr. Nolan. Motion carried unanimously.

27 – COMMUNICATION – Reports regarding Discontinuance of a Portion of Ye Olde Road

Reports from the Director of Public Works, the Corporation Counsel's Office and the Planning Commission recommending that the Common Council formally discontinue the portion of Ye Olde Road from the intersection of Backus Avenue and Miry Brook Road and proceeding in a northwesterly direction for a distance of approximately one thousand seven hundred and seventy feet and subject to the retention of sanitary sewer and water main easements that may be required for future sanitary sewer and water mains that will serve the Wooster School and other areas.

The discontinuance of a portion of Ye Olde Road was approved on the Consent Calendar as described subject to the conditions stated in the reports of the Director of Public Works and the Planning Commission.

28 – COMMUNICATION – Reports regarding 23, 25 and 29 Sugar Hollow Road

Reports from the Director of Public Works, the Airport Administrator, the Planning Commission and the Corporation Counsel's Office recommending that Weeks Automobile Corporation be granted permission to install storm drainage on City property as per the approve site plan and to discharge storm water to Kissen Brook.

The request of Weeks Automobile Corporation to install storm water drainage on City property subject to the conditions stated in the reports and the EPA guidelines was approved on the Consent Calendar.

29 – COMMUNICATION – Senior Center – Elmwood Place – CL&P Utility Easement

Request from the Director of Public Works that the Common Council approve the granting of a utility easement to CL&P in order for it to provide electrical service to the senior center under construction on Elmwood Place.

The utility easement request at Elmwood Place Senior Center to CL&P subject to and activated upon approval by the Planning Commission was granted on the Consent Calendar.

30 – REPORT – New England Aircraft Sales Lease

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the New England Aircraft Sales Lease met on January 22, 2003 at 7:15 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, Moore and Dittrich. Also in attendance were Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Ron Whelan of New England Aircraft Sales, Aviation Commission Member Tom Opperman, Council Members Levy and Kelly, ex-officio and Lynn Waller.

Attorney Pinter stated that this lease is for five acres of land at the Airport for New England Aircraft Sales operating as an FBO. It is a fifteen-year lease at \$5,100 per acre with one ten-year option period at the end of the fifteen-year period. The tenant pays the property taxes, the insurance, and the utilities. All other aspects of the lease are consistent with other leases. There is Planning Commission approval.

Mr. Estefan stated that the Aviation Commission has reviewed this lease. Mr. Furtado stated that he visited the site and has a few concerns. There is a manned gate that is jammed open. He saw boats, a limo, cars covered with snow and batteries. He would like to see this cleaned up and have report from the Airport Administrator before final approval. Mr. Moore asked Attorney Pinter is there are any provisions in the lease for protecting or concealing outside storage from view? Attorney Pinter stated that the lease provides that the tenant will not damage the property. The committee can add a more specific clause into the lease regarding general waste and condition of the property.

Mr. Whelan stated that his present lease does not preclude storage on the property. As far as security of the gates, that is FAA and Airport property. Mr. Estefan stated that the property is the responsibility of the Airport, but will revert to Mr. Whelan when the lease is approved.

Mr. Moore made a motion to approve the lease as structured and dated October 28, 2002. Seconded by Mr. Dittrich. Mr. Moore said that Mr. Furtado had valid concerns and asked if he was monitoring and reporting back to the Common Council. Mr. Furtado stated that he would like to add a clause that the lessee shall keep the property neat. He would like a report from Mr. Estefan indicating that everything was taken care of prior to the February meeting.

Mr. Moore made a motion to amend the main motion be adding to Article 13 a clause regarding waste disposal to be worked out by Attorney Pinter and Mr. Whelan. Seconded by Mr. Dittrich. Motion to amend carried unanimously.

Main motion, as amended, carried unanimously.

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

31 – REPORT – Snow Plowing of Private Roads

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review snow plowing of private roads met on January 21, 2003 at 7:00 P.M. in the Common Council Chambers in City Hall. In attendance were committee members Kelly, Coladarci and Dittrich. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Rick Gottschalk, Superintendent of Highways Frank Cavagna, Assistant City Engineer Pat and Council Members Gogliettino and Furtado, ex-officio.

Mr. Kelly asked Mr. Buckley for a background on the request. Mr. Buckley handed out a summary sheet showing the total of roads in the City and an inventory of all roads. There are 24 miles of private roads. Some get minor maintenance and some get no maintenance at all. Some are defined as common driveways. They may serve one to three houses. There are ten that are good candidates for future acceptance. Mr. Cavagna tells him when they are ready for acceptance. He tries to remove as many of these roads from the private list whenever possible.

When emergency calls come in, they are in constant contact with the Police Department. If a 911 call comes in, they immediately send a truck to clear that road. No one asks if it is a private road.

Mr. Dittrich asked Mr. Buckley is there is an internal process to determine if the City should accept a road? Mr. Buckley said that there is an ordinance pertaining to this. There is a list of criteria that the road has to meet. There is a permit that is necessary. At the end of the process, all legal documents have to be turned over to the City. He handed out the procedures for acceptance of subdivision bonded roads and Ordinance 17-34 addressing this issue.

Mr. Kelly asked Mr. Cavagna about the safety issue for the plow drivers. Mr. Cavagna stated that there is definitely a safety issue on some of the roads. Some are no more than paths. He hires four private pickup trucks for the roads that we do not have adequate equipment for. Mr. Kelly asked Attorney Gottschalk to review the legal aspects of private roads. Attorney Gottschalk stated that for many reasons we have developed a policy of plowing because we are in the emergency service business. We risk the health, safety and welfare of men and women who need the services and the providers. We choose to perform some service, but be clear that private roads are private property. He said that different administrations have taken different positions on plowing private roads. He has always advised where he would draw the line is with reference to emergency services because you start crawling out on a legal limb when we go onto private property. He chooses not to say that the City has no duty or obligation to provide emergency assistance.

Mr. Buckley stated that not all private roads are unsafe. There are also some City roads that need improvements. In the past, the Common Council has authorized him not to change what he had been doing on private roads, but not to add anything. Mr. Cavagna said that we have plenty of City streets that need to be upgraded before we put money into private roads. Mr. Buckley noted that they have put Waterview Drive back on the plowing list.

Mrs. Coladarci made a motion to continue to keep maintenance the same on the private roads, but not to add anything unless a petition comes to the Common Council. Seconded by Mr. Dittrich. Motion carried unanimously.

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

32 – REPORT – Request for Sewer and Water Extensions – Terre Haute Road

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Terre Haute Road met on January 22, 2003 at 7:45 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Kelly and Gogliettino. Also in attendance were Council President Warren Levy, ex-officio and the petitioner, Ben Doto.

Mr. Nolan noted the positive recommendation of the Planning Commission. He asked Mr. Doto to outline the project. Mr. Doto stated that there are four existing lots at the end of Terre Haute Road. Each house will have a pump and a tank. This has been done a few times, but will be done more often in the future. He said there is one on Elwell Place that was done years ago and one in the design phase on Lee Avenue and Victor Street.

Mr. Gogliettino made a motion to recommend approval of the request for sewer and water extension on Terre Haute Road, subject to the required eight steps. Seconded by Mr. Kelly. Motion carried unanimously.

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

33 – REPORT – Request for Sewer Extension – 1 Kenosia Avenue

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 1 Kenosia Avenue met on January 22, 2003 at 7:00 P.M. in the Third Floor Caucus Room. In attendance were committee members Machado, Shuler and Dittrich. Also in attendance was Council President Warren Levy, ex-officio, the petitioner William Asmar and Lynn Waller.

Mr. Machado noted the positive recommendation of the Planning Commission. Mr. Asmar submitted a map of the property. Mr. Levy pointed out that as long as the petitioner complies with the required eight steps, the extension is available. He said that the primary concern is that recipient bears the costs of the project.

Mr. Dittrich made a motion to recommend approval of the request for sewer extension at 1 Kenosia Avenue. Seconded by Mr. Shuler. Motion carried unanimously.

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

34 – COMMUNICATION – City of Danbury v. Barry (Executive Session)

Mr. Gogliettino asked that this be referred to the end of the agenda. Seconded by Mr. McAllister. Motion carried unanimously.

35 – DEPARTMENT REPORTS – Public Works, Police Chief, Fire Chief, Fire Marshall, Department of Elderly Services, Health Department, Permit Center, Building Department, Welfare Department

Mr. Levy made a motion that the department reports be accepted as submitted and the reading waived as all members have copies that are on file in the clerk's office for public inspection. Seconded by Mr. Dittrich. Motion carried unanimously.

Mayor Boughton extended all committees.

At 8:41 P.M. Mr. Levy made a motion to enter into executive session. Seconded by Dean Esposito. Motion carried unanimously.

At 8:52 P.M. the Common Council reconvened in open session.

33 – Mr. Saadi made a motion to approve the settlement and authorize the Mayor and the Corporation Counsel to execute the necessary documents. Seconded by Mr. Moore. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made at 8:54 by Mr. Gogliettino for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON, Mayor