

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

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

The meeting was called 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, Dean Esposito, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

**ABSENT** – Buzaid

20 Present – 1 Absent

Mr. Buzaid was out of the State

**PUBLIC SPEAKING**

1 – Margaret Mitchell, 2 Park Place – Thanked everyone for their work on East Ditch

Mayor Boughton asked everyone to stand for a moment of silence for Betty Crudginton, the City Clerk and former Council Member who passed away on February 22, 2003. She will be missed.

**MINUTES** – Minutes of the Common Council Meeting held February 3, 2003. Mr. Levy made a motion to adopt the minutes and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

1 – Adopt the resolution to accept \$1,000 from FEMA for the purchase of supplies for the City Emergency Shelter and Mass Shelter as run by Thresholds as described.

2 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Education in an amount of \$75,000 for the continuation of the Youth Services Bureau as described.

13 – Approve the appointment of Carlene Tina Barker as an alternate member of the Commission on Persons with Disabilities.

20 – Approve the transfer of \$301 from the Elderly Services Donations account to the Commission on Aging Budget as described.

32 – Adopt the resolution to authorize the Corporation Counsel's Office to acquire easements necessary for the East Ditch Storm Drain Project 01-16 subject to and activated upon approval by the Planning Commission as described.

33 – Adopt the resolution to authorize a steam pipe easement to Western Connecticut State University for the new science building subject to and activated upon approval by the Planning Commission as described.

34 – Refer to the Corporation Counsel for a report per section 2-2 of the Danbury Code of Ordinances.

37 – Receive a report regarding Powder Horn Ridge and approve corrective action as recommended.

38 – Receive a report regarding request for sewer extension on Stadley Rough Road and approve the recommendations

39 – Receive a report regarding request for sewer extension on 60 Forest Avenue and approve the recommendations.

40 – Receive the report regarding request for sewer and water extension on Oil Mill Road and approve the recommendations.

41 – Receive the report regarding water extension on 30 Crosby Street and approve the recommendations

42 – Receive a report regarding Public Safety Employees Assistance Program and approve the recommendations.

43 – Receive the report regarding parking problems on Henry Street and approve the recommendations.

45 – Receive the report regarding request for water extension on Pembroke Road and approve the recommendations

46 – Receive and approve the report regarding the vicious dog ordinance and defer the ordinance to public hearing.

Mr. Saadi made a motion to adopt the Consent Calendar as presented.  
Seconded by Mr. Nolan. Motion carried unanimously.

1 – RESOLUTION – FEMA Funds – Homeless Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) has awarded \$1,000.00 to the City of Danbury to be used to purchase supplies; and

WHEREAS, the Homeless Shelter is desirous of accepting these funds and using them for these purposes;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to accept said funds and to execute any agreements or other documents necessary to effectuate the purposes of this award.

The resolution to accept \$1,000 from FEMA for the purchase of supplies for the City Emergency Shelter and Mass Shelter as run by Thresholds was adopted on the Consent Calendar.

2 – RESOLUTION – Danbury Youth Services

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed seventy-five thousand dollars (\$75,000.00) are available from the State of Connecticut Department of Education for 2003-2004 Youth Services Bureau operations; and

WHEREAS, the continuation of the Youth Services Bureau for the twenty-sixth year is deemed to be in the best interest of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Mark D. Boughton as Mayor of the City of Danbury, in applying for these funds be and hereby are ratified and that Mayor Boughton be and hereby is authorized and directed to contract with the State of Connecticut Department of Education for a state cost sharing grant not to exceed \$75,000 for a Youth Service Bureau for the fiscal period commencing July 1, 2003.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all Documents, applications or other pertinent instruments to this program.

The resolution to apply for and accept grant funding from the Connecticut Department of Education in the amount of \$75,000 for the continuation of the Youth Services Bureau was adopted on the Consent Calendar.

3 – RESOLUTION – Targeted Capacity Expansion Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Department of Health and Human Services, through the Public Health Service Substance Abuse and Mental Health Services Administration has made grant funds available to local government to provide additional services to alcohol and other drug dependent people and their families to address gaps in treatment capacity for the period of September 30, 2003, through September 29, 2004; and

WHEREAS, for the time period of September 30, 2003 through September 29, 2004, grant funds not to exceed \$352,877.00 requiring no local match, will be made available to the Danbury Health and Housing Department for the Targeted Capacity Expansion Initiative, upon approval of a continuation grant application therefore; and

WHEREAS, the Danbury Health and Housing Department will provide these services to alcohol and other drug dependent people and their families, serving both residents and non-residents with no restrictions on who may be served.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the city of Danbury or William J. Campbell, Director of Health, as his designee, is authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor or the Director of Health regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof, which do not require the expenditure of City funds, with the Substance Abuse and Mental Health Services Administration regarding said grant, and to take all actions necessary to accomplish the purposes of these programs.

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

4 – RESOLUTION – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004.

SECTION 1. The sum of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800.00) represents the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800.00) for the fiscal year beginning July 1, 2003 and ending June 30, 2004, minus indirect revenues of \$ -0-, and minus estimated available "Surplus" of \$ -0-, is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the new tax assessment dated October 1, 2001 based upon a total net assessment of \$79,189,510.00.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 2003 and ending June 30, 2004 with respect to said property interests within said District shall be as follows:

**TAX RATE: 1.7166 Mills**

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in quarterly equal installments on July 1, 2003, October 1, 2003, January 1, 2004 and April 1, 2004 except for taxes not in excess of One Hundred Dollars (\$100.00) which

taxes shall be paid on July 1, 2003, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 2003 and ending June 30, 2004.

Mr. McAllister made a motion to receive the communication, approve the tax rate and adopt the resolution. Seconded by Mrs. Basso. Motion carried unanimously.

5 – COMMUNICATION – Zoning Commission Vacancy

Letter from William J. Knight requesting that he be considered to fill the vacancy on the Zoning Commission. Council President Warren Levy noted that the Democratic Town Committee Chairman notified him that another candidate, Peggy Stewart, withdrew her name from consideration.

Mr. Levy made a motion that William J. Knight be appointed to fill the vacancy on the Zoning Commission. The motion was seconded by Jean Darius. Motion carried unanimously.

6 – COMMUNICATION – Promotion in the Fire Department

Letter from Mayor Boughton requesting that the promotion of Bart McCleary to the rank of Lieutenant in the Fire Department be confirmed. Mr. McAllister made a motion to receive the communication and confirm the promotion. Seconded by Mr. Furtado. Motion carried unanimously.

7 – COMMUNICATION – Appointment to the Fire Department

Letter from Mayor Boughton requesting that the appointment of Walter Arteaga to the position of Firefighter be confirmed. Mr. McAllister made a motion to receive the communication and confirm the appointment. Seconded by Mr. Null. Motion carried unanimously.

8 – COMMUNICATION – Appointment to the Fire Department

Letter from Mayor Boughton requesting that the appointment of Adam G. Horosky to the position of Firefighter be confirmed. Mr. Saadi made a motion to receive the communication and confirm the appointment. Seconded by John Esposito. Motion carried unanimously.

9 – COMMUNICATION – Appointment to the Fire Department

Letter from Mayor Boughton requesting that the appointment of Sean A. Chick to the position of Firefighter be confirmed. Mr. Dittrich made a motion to receive the communication and confirm the appointment. Seconded by Mr. Darius. Motion carried unanimously.

10 – COMMUNICATION – Appointment to the Fire Department

Letter from Mayor Boughton requesting that the appointment of Joseph Kovalsky to the position of Firefighter be confirmed. Mrs. Basso made a motion to receive the communication and confirm the appointment. Seconded by Mr. Scozzafava. Motion carried unanimously.

11 – COMMUNICATION – Appointment to the Fire Department

Letter from Mayor Boughton requesting that the appointment of Jeffrey A. Tomchik to the position of Firefighter be confirmed. Mr. Nolan made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

12 – COMMUNICATION – Appointment to the Police Department

Letter from Mayor Boughton requesting confirmation of the appointment of Dominic Lebron to the position of Police Officer. Mr. McAllister made a motion that the communication be received and the appointment confirmed. Seconded by Mr. Nolan. Motion carried unanimously.

13 – COMMUNICATION – Appointment as Alternate to the Commission on Persons with Disabilities

Letter from Mayor Boughton requesting the confirmation of the appointment of Carlene Tina Barker as an alternate to the Commission on Persons with Disabilities for a term to expire March 1, 2006. The appointment was confirmed on the Consent Calendar.

14 – COMMUNICATION – Appointment of Deputy Corporation Counsel

Letter from Mayor Boughton appointment Eric L. Gottschalk as the Deputy Corporation Counsel for the City of Danbury. Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Personnel and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Gogliettino, McAllister and Basso to the committee.

15 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the amount of \$66.50 to be credited to LIBRARYFUND.4651 Donations. Mr. Nolan made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

16 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept donations from Wal-Mart Foundation in the amount of \$1,000; kitchen cabinets cash valued at \$4,568 from Kingswood Kitchens and a granite counter top cash valued at \$1,000 from Stone Resources of Connecticut. Mr. Gogliettino made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Moore. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept a donation in the amount of \$75 from Laurel Ridge Health Care. Mr. Saadi 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.

18 – COMMUNICATION – Donation to the Still River Greenway

Letter from Coordinator of Environmental & Occupational Health Services Jack Kozuchowski requesting permission to accept a donation of services from Berkshire Industrial Corporation to mow the pathway along our Greenway from the end of Berkshire Corporate Park to the bird sanctuary. Mr. Saadi made a motion to receive the communication and accept the donation of services subject to agreement by the donor to execute all documents deemed necessary by the Office of the Corporation Counsel, including, but not limited to, the appropriate waivers of liability. Seconded by Mr. Nolan. Motion carried unanimously.

19 – COMMUNICATION – Appointment of Independent Auditors

Letter from Director of Finance Dena Diorio recommending that the appointment McGladrey & Pullen as our City auditors. McGladrey & Pullen has performed the city audit for the last four fiscal years based on a previous bid. After discussion, Mr. Gogliettino made a motion to move the question. Motion was seconded and carried with Mr. Darius voting in the negative. Mr. McAllister made a motion to receive the

communication and approve the appointment of McGladrey and Pullen as the city auditors. Seconded by Mr. Nolan. Motion carried unanimously.

20 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Letter from Director of Elderly Services Leo McIlrath requesting the transfer of funds in the amount of \$301 from the Elderly Services donations account to the Commission on Aging budget for the professional services fees account. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

21 – COMMUNICATION – Request for Additional Winter Storm Related Funding

Letter from Superintendent of Public Works William Buckley requesting a total appropriation of \$334,800.00 to be distributed into accounts for the various divisions of the Public Works Department for winter storm related funding. A certification of funds was attached. Mr. McAllister made a motion to receive the communication and authorize the transfer of funds in the amount of \$334,800.00 as outlined. Seconded by Mrs. Basso. Motion carried unanimously.

22 – COMMUNICATION – Request for Additional Funding for the Airport

Letter from Airport Administrator Paul Estefan requesting the sum of \$17,500 be transferred to airport accounts to cover expenses for the rest of the winter season. A certification of funds was attached. Mr. Gogliettino made a motion to receive the communication and authorize the transfer of funds in the amount of \$17,500. Seconded by Mr. Furtado. Motion carried unanimously.

23 – COMMUNICATION – Litigation Expenses

Letter from Corporation Counsel Robert Yamin requesting that the sum of \$150,000 be transferred to his litigation special account for the remainder of the fiscal year. A certification of funds was attached. Mr. Saadi made a motion to receive the communication and authorize the transfer of funds in the amount of \$150,000. Seconded by Mr. Nolan. After discussion, Mr. Kelly made a motion to move the question. The motion was seconded and passed with Mr. Darius voting in the negative. Motion carried unanimously.

24 – COMMUNICATION – Request for Moratorium on Sewer and Water Projects

Request from Council Member Paul McAllister that a committee be appointed to review imposing a moratorium on sewer and water projects. Mr. Saadi asked that this be referred to an ad hoc committee, the Director of Public Works and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members McAllister, Coladarci and Scozzafava to the committee.

25 – COMMUNICATION – Annual Suspense List

Letter from Tax Collector Catherine Skurat recommending that uncollectible taxes in the amount of \$277,401.34 be transferred to the Suspense List. Mr. McAllister made a motion that the sum of \$277,401.34 in uncollectible taxes be transferred to the Suspense List. Seconded by Mr. Saadi. Motion carried unanimously.

26 – COMMUNICATION – Tobin's Farm – Crow's Nest Lane

Letter from Attorney Ward J. Mazzucco requesting extension of sewer and water lines to Tobin's Farm on Crow's Nest Lane and that the City accept whatever interest in Crow's Nest Lane the Estate of William Tobin may have, together with other segments of the road. Mr. Furtado asked that this be referred to the Corporation Counsel and the Director of Public Works for reports back within thirty days. Mayor Boughton so ordered.

27 – COMMUNICATION – Request for Water Extension – Margerie Street

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, Neptune and Nolan to the committee.

28 – COMMUNICATION – Request for Water Extension – 22 Second Street

Mrs. Basso 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 Buzaid, Gogliettino and Scozzafava to the committee.

29 – COMMUNICATION – Request for Water Extension – Louis Allan Drive Extension

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 Moore, Kelly and Dittrich to the committee.

30 – COMMUNICATION – Request for Sewer and Water Extension – Old Ridgebury Road and Saw Mill Road

Mr. Nolan 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 Levy, Saadi and Nolan to the committee.

31 – COMMUNICATION – New England Aircraft Sales License Agreement – WITHDRAWN

32 – COMMUNICATION – East Ditch Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision 2 bond package, is proceeding, through plans and designs, to make necessary improvements to the East Ditch Storm Sewer; and

WHEREAS, as one phase to said proposed improvements, the City will have to obtain seven (7) easements from property owners in order to accomplish project goals; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D, E, F and G attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by September 4, 2003.

The resolution to authorize the Corporation Counsel's Office to acquire easements necessary for the East Ditch Storm Drainage Project 01-16 subject to and activated upon approval by the Planning Commission was adopted on the Consent Calendar.

33 – COMMUNICATION – Easement for Steam Pipes – WCSU Midtown Campus

Request from Thomas P. Carlone, Director of Planning & Engineering that the Common Council review and approve steam pipe easements for the new science building on the Midtown Campus of Western Connecticut State University.

Authorization of a steam pipe easement to Western Connecticut State University for the new science building subject to and activated upon approval by the Planning Commission was approved on the Consent Calendar.

34 – COMMUNICATION – Towing Charges

Incident report involving a City of Danbury vehicle. Mr. Val Burke is seeking reimbursement of towing charges. This was referred to the Corporation Counsel, on the Consent Calendar, for a report per section 2-2 of the Danbury Code of Ordinances.

35 – COMMUNICATION – Winthrop Place and West Wooster Neighborhood Watch

Mr. Saadi asked that this be referred to an ad hoc committee, the Corporation Counsel, the Blight Enforcement Officer and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Machado, Shuler and Basso to the committee.

36 – COMMUNICATION – Lease of City Property at Kenosia and Backus Avenues

Letter from Assistant Corporation Counsel Laszlo Pinter requesting authorization for the city to sign the Union Savings Bank Conditional Assignment of Lease in order for the above lease to proceed. Mr. Saadi made a motion to receive the communication and authorize the execution of the assignment of lease. Seconded by Mrs. Basso. Motion carried unanimously.

37 – COMMUNICATION – Reports regarding Powder Horn Ridge

Reports from Director of Public Works William Buckley and Assistant Corporation Counsel Eric Gottschalk stating that the roadway in question may already be part of a city accepted street. A final determination will be made in the spring. The reports were received and corrective action authorized on the Consent Calendar.

38 – REPORT – Request for Sewer Extension – Stadley Rough Road

Mr. Dittrich submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Stadley Rough Road met on February 6, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Dittrich, Neptune and Basso. Also in attendance were Director of Public Works William Buckley, Dan Smachetti and Chris Kowalski from the State Department of Transportation and Council Member Connie Shuler, ex-officio.

Mr. Dittrich noted the positive recommendation of the Planning Commission. Mr. Buckley stated that this would serve a building at the end of the Jackson Drive project. The estimates for the Jackson Drive project include the work for this extension. The line will run by the SNET building. He would recommend approval subject to the required eight steps.

Ms. Neptune made a motion to recommend approval of the extension subject to the required eight steps. Seconded by Mrs. Basso. Motion carried unanimously.

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

39 – REPORT – Request for Sewer Extension – 60 Forest Avenue

Mr. Gogliettino submitted the following report

The Common Council Committee appointed to review the request for sewer extension at 60 Forest Avenue met on February 6, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino, Shuler and Basso. Also in attendance was Director of Public Works William Buckley.

Mr. Gogliettino noted the positive recommendation of the Planning Commission. Mr. Buckley said that this is for a single-family residential house and is within the service area. He would recommend acceptance in accordance with the required eight steps.

Mrs. Basso made a motion to recommend approval of the sewer extension at 60 Forest Avenue subject to the required eight steps. Seconded by Mr. Shuler. Motion carried unanimously.

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

40 – REPORT – Request for Sewer and Water Extensions – Oil Mill Road

Mr. Shuler submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension on Oil Mill Road met on February 12, 2003 at 7:00 P.M. in the Third Floor Caucus in City Hall. In attendance were committee members Shuler, Null and Scozzafava. Also in attendance were Assistant City Engineer Patricia Ellsworth and Council Members Levy, Basso, Buzaid and Neptune, ex-officio.

Mr. Shuler noted the positive recommendation of the Planning Commission. Ms. Ellsworth said that water extension is not necessary, but she would have no problem with granting the sewer extension request subject to the required eight steps.

Mr. Null made a motion to recommend approval of the request subject to the required eight steps. Seconded by Mr. Scozzafava. Motion carried unanimously.

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

41 – REPORT – Request for Water Extension – 30 Crosby Street

Mr. Buzaid submitted the following report:

The Common Council Committee appointed to review the request for water extension at 30 Crosby Street met on February 12, 2003 at 7:15 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Buzaid, Neptune and Scozzafava. Also in attendance were Assistant City Engineer Patricia Ellsworth and Council Members Levy, Shuler and Basso, ex-officio.

Mr. Buzaid noted the positive recommendation of the Planning Commission. Ms. Ellsworth noted that the petitioners are putting in a hydrant that they will turn over to the City. She recommended approval of the request subject to the required eight steps.

Ms. Neptune made a motion to recommend approval of the water extension subject to the required eight steps. Seconded by Mr. Scozzafava. Motion carried unanimously.

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

42 – REPORT – Public Safety Employees Assistance

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review assistance for public safety employees met on October 10, 2002 and again on February 25, 2003. In attendance at the October 10<sup>th</sup> meeting were committee members McAllister, Shuler and Nolan. Also in attendance were Director of Finance Dena Diorio, Fire Chief Peter Siecienski and Police Lieutenant Peter Gantert.

Mr. McAllister stated that he had been in Anaheim, California and had learned of an incentive program that Anaheim was giving to police officers in that City. The program issued \$10,000 loans to aid officers to buy a home in the City of Anaheim. They wanted police officers to stay as close as possible to the City. For every year the officer lived in town, \$1,000 of the loan would be forgiven. There were other stipulations on this loan as well. For the most part Anaheim was pleased with the program. Over seventy officers had applied for the loans since it was started in 1995. Anaheim said that it did not have any financial impact on the City.

Mr. Shuler thought this was a good program. It could be a morale booster and could get more local people to apply for the respective departments. Mr. Nolan thought it would be a good incentive as well, but had reservations about the cost to the City. The meeting was continued until the Director of Finance and the public safety departments obtained further information.

The meeting reconvened on February 25, 2003. In attendance were committee members McAllister, Shuler and Nolan. Also in attendance were Director of Finance Dena Diorio and Council Members Gogliettino and Basso, ex-officio.

Ms. Diorio stated that she looked into the possible cost of this program to the City and based on ten people applying for it per year, the cost would be \$100,000 at the current mill rate that is two-tenths of a mill. If more were to apply the mill rate would go up. All committee members thought the proposal was a good idea, but felt that it should not be implemented right now. Due to the current fiscal problems the State is having we may need the money for other pressing items.

Mr. Nolan made a motion to take no action due to fiscal restraints, but to readdress this proposal in the future. Seconded by Mr. Shuler. Motion carried unanimously.

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

#### 43 – REPORT – Parking Problems on Henry Street

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the parking problems on Henry Street met on February 12, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Kelly and Scozzafava. Also in attendance were Police Captain Daniel Mulvey and Council Members Basso and Levy, ex-officio, and Association Corporation Counsel Ray Yamin.

Mr. Machado asked the petitioner, Council Member Pauline Basso, for an explanation of the problem. Mrs. Basso stated that parking on Henry Street has been a problem because it is a narrow street. In the past it was a street with one and two family homes. Now, there are many apartments in these houses. An emergency vehicle could not get down the street if needed. She is asking for parking on one side of the street only. These houses have adequate parking in the back.

Mr. Kelly asked why people would park in the street if they had adequate off-street parking? He asked what happens in a snow emergency? Mrs. Basso said that cars are still parked on the street and cars have never been ticketed. Mr. Scozzafava noted that property owners must provide two parking spaces for each tenant.

Mr. Machado stated that he observed the problem himself. He asked Captain Mulvey for a solution. Captain Mulvey said that he heard two problems. One is that the police are not ticketing in a snow emergency. He does not work in patrol so he does not know why police cars are not in that area. The second problem is that it is a narrow street and the concern is that an emergency vehicle would not be able to pass through. He could not measure the width of the street because of the snow banks. The problem is on the south end of Henry Street. There was a car parked in front of number nine. He parked his car in front of number ten and this made it very narrow for a car to get by. Mr. Machado asked if there is any methodology for putting signs only on one side of a street. Captain Mulvey said there is not. They make recommendations to the Police

Chief and, in cases like this, he would recommend no parking on one side. In order to correct the parking problem, signs must be posted.

Mr. Kelly made a motion to approve the placement of no-parking signs on one side of the street based on the Police Chief's determination, to be done immediately upon approval by the entire Common Council. Seconded by Mr. Scozzafava. Motion carried unanimously.

The report regarding parking problems on Henry Street was accepted on the Consent Calendar and its recommendations approved.

#### 44 – REPORT – Reapportionment of Wards

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the reapportionment of wards met on February 13, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, John Esposito and Nolan.

Mr. Levy stated that in accordance with the requirements of the Charter, the first step in the process of reapportionment of the wards was to appoint a five-member committee charged with making a recommendation to adjust the size of the voting districts in conjunction with the 2000 census. No plan could be submitted unless three members of that committee certified it. The committee was unable to achieve this. Therefore, this committee must submit a plan for reapportionment.

Mr. Nolan stated that he has a specific concept that he finds interesting. It did not meet favorably with the first committee because it was radical. It adopts the boundaries of the legislative districts and folds the wards into those patterns. The central core of the City has a tremendous population and would represent the fourth and fifth wards. Politically that changes the demographics of the remaining wards. The value of considering this option is that it concentrates more of the downtown district, creating two downtown districts. The reason for doing this is that the pie is counter to what the law states, grouping together people of common interests. This type of plan would begin to draw lines that allow folks of common interests to be represented.

Mr. Levy laid out a plan that addressed the census blocks. He stated that cropping is illegal. You have to have diversity. You cannot create a district because there is a common interest. Mr. Nolan said that would be correct if it pertained to race. If it pertains to common interests, you can. Mr. Levy explained the numbers based on the information supplied from the census blocks. They were difficult to interpret from the information supplied by the State. The largest ward by population is the fourth and the smallest by population is the first.

Mr. Esposito made a motion to recommend that the Common Council adopt the plan presented by this committee. Seconded by Mr. Nolan. Mr. Nolan stated that having considered the presentation, he wants to study the alternatives between now and the Common Council meeting for minor alterations that may need to be made, but this plan is worthy of consideration. The motion carried with Mr. Levy and John Esposito voting in the affirmative and Mr. Nolan voting in the negative.

John Esposito moved to receive the report and defer the ordinance to public hearing. Mayor Boughton so ordered.

#### 45 – REPORT – Request for Water Extension – Pembroke Road

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the request for water extension on Pembroke Road met on October 10, 2002 and on February 25, 2003. At the October 10<sup>th</sup> meeting were committee members McAllister and Null. Also in attendance were the Director of Finance Dena Diorio, Director of Public Works William Buckley and Council Member Pauline Basso, ex-officio. The petitioner did not attend.

Mr. Buckley gave an overview of the project. The water would come from a pump station located at the intersection of Route 37 and Jeanette Street. The petitioner requested that a line be fed through an abandoned 24-inch line and that a pump station be installed at the project. After reviewing this project, Mr. Buckley suggested that a 16-inch line be sleeved through the abandoned line. This would result in a benefit to the City now and in the future. Now for increased water pressure and fire protection (additional fire hydrants will be installed), in the future an additional water line from Marjorie reservoir to feed the Bear Mountain water system and the Harvest hill water tank. The meeting was continued to a future date.

The committee reconvened on February 25, 2003 at 6:30 P.M. In attendance were committee members McAllister and Null. Also present were Director of Public Works William Buckley, Director of Finance Dena Diorio and the petitioner, Jeanne Williamson. Also in attendance was Council Member John Gogliettino, ex-officio. The minutes from the October 10<sup>th</sup> meeting were read.

Ms. Williamson made a presentation of the project placing a 16-inch water line through the 24-inch abandon line. This would cost approximately \$275,000. Because this would be a benefit to the City she requested that the City contribute to this project. Mr. Buckley stated that in the past the City has contributed materials equal in value requested by the persons installing projects that were of benefit to the City, but that the City has never contributed cash. He suggested that if the Common Council approved this project, it be for materials equal in value. Mr. McAllister asked that they did not use the current 24-inch pipe currently in the ground. Mr. Buckley said that this pipe was abandoned a while ago. It is expensive. Placing the 16-inch inside the old pipe is the most cost effective way of delivering water. Mr. Null asked if \$75,000 was a reasonable amount of money for this project. Mr. Buckley said he thought that it was, but that it was up to the committee to determine the amount. Ms. Diorio said that she was hesitant about giving cash for a project.

Mr. Null made a motion to approve the request that the City of Danbury contribute \$75,000 in in-kind services and materials as it has done in the past, providing that the appropriate step are met by the contractor. Seconded by Mr. McAllister. Motion carried unanimously.

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

#### 46 – REPORT & ORDINANCE – Vicious Dog Ordinance

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review a vicious dog ordinance met three times; first on August 28, 2002, again on October 21, 2002 and lastly on February 6, 2003. In attendance at the August 28<sup>th</sup> meeting were committee members Neptune, Kelly and Dittrich, as well as Police Officer Ed Lopes, Council Members Levy, Basso and Gogliettino, ex-officio and the petitioners Maureen and Rich Feibusch. In attendance at the October 21<sup>st</sup> meeting were committee members Neptune and Kelly, as well as Assistant Corporation Counsel Les Pinter, Mr. and Mrs. Feibusch and Lynn Waller. In attendance at the February 6<sup>th</sup> meeting were committee members Neptune, Dittrich and Kelly, as well as Assistant Corporation Counsel Les Pinter, Assistant Police Chief Art Sullo, Council Members Shuler and Basso, ex-officio and Mr. and Mrs. Feibusch.

Discussion at the August 28<sup>th</sup> meeting centered on the history of the problem. It was tabled then because there were issues about the breed of dog. Mr. and Mrs. Feibusch explained the reason for their request and on the failure of electric fences. Mr. Kelly moved to reconvene at a later date and request that the Corporation Counsel come back with information on the leash law ordinance and how we can incorporate this and also to have the dog warden attend the next meeting. The motion was seconded by Mr. Dittrich and passed unanimously.

At the October 21<sup>st</sup> meeting Attorney Pinter provided the committee with information concerning two key ordinances on the books in other towns. They are both fairly comprehensive providing the opportunity to be heard, what you have to do if you are keeping a dangerous dog, fines, etc. Other states have vicious dog control laws.

Several of them have one common feature. They require a six-foot high fence, which has extra protection as opposed to a common dog ordinance. Ms. Neptune asked Attorney Pinter to draw up an amendment to our existing ordinance to include a six-foot high fence.

Attorney Pinter said that there are two ways to go. One is to enact a vicious dog ordinance and the other is to amend the existing ordinance. Mr. Kelly said that the Westport ordinance is extensive and he feels we can get there without this comprehensive ordinance. Attorney Pinter said that a past committee discussed some very restrictive means on some types of dogs deemed as vicious. In order to do this you have to have a declaration by a respected dog society that these dogs have vicious tendencies. He would be hard pressed to draw something up that is in between. Connecticut does have a fairly good state law.

Mr. Kelly made a motion to have Attorney Pinter draft an amendment to the existing ordinance including a definition of a vicious or dangerous dog. Seconded by Mrs. Neptune. Motion carried unanimously.

At the February 6, 2003 meeting the committee members reviewed the ordinance submitted by Attorney Pinter. Attorney Pinter stated that he drew the language from elsewhere and it seems to be uniform. Mr. Dittrich said that the definition of enclosure was acceptable. A discussion followed regarding whose has the responsibility of determining a vicious dog. Attorney Pinter said that a large share of the burden rests with the owner. He said that once a determination is made, a dog could be seized if an incident occurs. There is an opportunity for the owner to object within fourteen days. Attorney Pinter stated that State law is pretty comprehensive so there is no need to duplicate it. He tried to bring the two laws together.

Mr. Kelly stated that he was quite surprised by the lack of a comprehensive plan. He thought we were going to put together an ordinance from the incident to the result. Attorney Pinter said that he mentioned that his first draft was patterned after more comprehensive ordinances, which had provisions to have more hearings, and would be enormously difficult to do because of the manpower involved. State law has significant fines involved. It was his understanding that the committee preferred to subsume this ordinance into the old one. The one he prepared is five pages and would require a sub-department.

Mr. Kelly said we are trying to find a balance between what the enforcement agency would find a burden against a situation where we are understated in our ordinance. We have to rely on the penalties in the State law. Mr. Dittrich stated that he would like to add that someone in the City has the authority to require that the dog be put into an enclosure.

Mr. Kelly moved to recommend that the ordinance be adopted. Seconded by Mr. Dittrich. The motion carried unanimously.

The report was received on the Consent Calendar and the ordinance deferred to public hearing.

47 – DEPARTMENT REPORTS – Building Department, Welfare, Public Works, Fire Chief, Police Chief, Fire Marshall, Health and Housing. Mr. Levy made a motion that the 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. Gogliettino.

After discussion with the Fire Chief, Mr. Darius noted that the Fire Department should make a better effort to recruit more women, blacks and Hispanics so that the department would better reflect the City's population.

Motion carried unanimously.

48 – COMMUNICATION – Weeks Automobile Corporation – 23, 25 and 29 Sugar Hollow Road

Mr. Levy made a motion to add this item to the agenda. Seconded by Mr. Gogliettino. Motion carried with Council Members Nolan, Scozzafava, Dittrich and Furtado voting in the negative.

Letter from Jay Fain & Associates requesting permission to perform mitigation work on City property as compensation for the loss of on-site wetlands at 25 Sugar Hollow Road.

Mr. Levy made a motion to receive the communication and permit the work to be done on City property. Seconded by Mr. Gogliettino. Motion carried unanimously.

49 – COMMUNICATION – Request for Committee to review and evaluate the request for proposals for the Ambulance/Paramedic service

Mr. Levy made a motion to add this item to the agenda. Seconded by Dean Esposito. Motion carried with Council Members Nolan and Dittrich voting in the negative.

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

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Gogliettino for the meeting to be adjourned at 9:05 P.M.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

\_\_\_\_\_  
MARK D. BOUGHTON  
Mayor