

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

RE: Minutes of the Common Council Meeting held September 3, 2003

The meeting was called to order at 7:30 P.M. The Prayer and Pledge of Allegiance were offered. The members were recorded as:

PRESENT – Nolan, McAllister, Null, Coladarci, Kelly, Buzaid, Visconti, Machado, Rotello, Scozzafava, Levy, Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Setaro

ABSENT – Neptune

20 PRSENT – 1 ABSENT

#### PUBLIC SPEAKING

Scott Ferguson, 112 South King Street – Spoke regarding item 29. He is concerned over the proposed delay until March regarding sending this to referendum.

Mickey Cappiello, 2 Terrace Street – Spoke regarding item 12. Would like a piece of City owned property on Terrace Street deeded to her so that she can build a garage. She has been taking care of the property for many years.

Margaret Mitchell, Park Place and Main Street – Spoke on item 29. She asked the Council to please reconsider putting the money for the East Ditch back into the bond package.

Ernie Adamo, 8 Jireh Lane – Spoke regarding item 15. Old Forty Acre Mountain Road is impassable during the winter months. The City told him he is free to pave it, but he does not want to pave it if the public is using it.

Lynn Waller, 83 Highland Avenue – Spoke regarding item 29. She is dismayed that the Highland Avenue playground was combined with the school fields. Also upset that the Fire Department truck was deferred.

MINUTES – Minutes of the Common Council Meeting held August 5, 2003. Mr. Levy made a motion that the minutes be accepted as presented and the reading waived as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Furtado. Motion carried unanimously.

CONSENT CALENDAR – Mr. Esposito submitted the following items for the Consent Calendar:

5 – Approve the appointment of Thomas A. Frizzell, Jr. to the Aviation Commission.

6 – Approve the appointment of Patricia Kadet to the Lake Kenosia Commission.

7 – Approve the appointment of John Gentile to the Commission for Persons with Disabilities.

10 – Approve the transfer of \$574.70 from the Elderly Services Donations Account to the Commission on Aging Budget as described.

13 – Approve a request to accept title to an easement for existing water line and fire hydrant on the property of St. Gregory the Great Church, subject to City Engineer conditions and only upon prior approval by the Planning Commission as described.

17 – Approve a request to waive the bid requirement for architectural services relative to the Engine Co. 25 construction project and award the contract to Donald J. Zaleta, AIA for reasons described.

21 – Receive the report from the Planning Commission with a positive recommendation regarding the Downtown Parking Garage.

22 – Receive the report from the Planning Commission with a positive recommendation subject to conditions regarding acquisition of 63 Grand Street.

23 – Receive the reports regarding a request to purchase City property at Oakland Avenue and take no action.

24 – Receive the reports regarding conveyance of property from Nancy's Farm, Inc. and take no action until Planning and Engineering concerns have been addressed.

26 – Receive the reports regarding a sewer extension on Juniper Ridge Drive and approve the recommendation to add this project to the assessment list as described.

27 – Receive the reports regarding a request to purchase land on Barnum Court and take no action.

28 – Receive the reports regarding Duck Street and approve only a condemnation of the utility easements for the sanitary sewer and water mains on Duck Street as described.

30 – Receive the report regarding a request for water extension on Louis Allan Drive and approve the recommendations.

Mr. Saadi made a motion that the consent calendar be adopted as read. Seconded by Mr. Nolan. Motion carried unanimously.

1 – ORDINANCE – Fire Marshall Inspection Fees and Citations – WITHDRAWN

2 – ORDINANCE – Delinquent Motor Vehicle Tax

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

3 – RESOLUTION – Assignment of Real Estate & Water/Sewer Tax Liens

RESOLVED by the Common Council of the City of Danbury:

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

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

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

WHEREAS, the assignment of additional tax liens on the grand list of October 1, 2002, to ATF with Foothill Capital Corp. as a secured party, relating to the same properties covered by the tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City; and

WHEREAS, the assignment of certain water and sewer liens to ATF, with Foothill Capital Corp. as a secured party, relating to the same properties covered by tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that Mayor Mark D. Boughton be and hereby is authorized to accomplish the assignment to ATF with Foothill Capital Corp. as a secured party, of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand list of October 1, 2002 and having a value of \$553,124.37 (less any amounts paid on or after September 26, 2003) as well as the assignment of certain water and sewer liens having a value of \$20,589.58 (less any amounts paid on or after September 26, 2003) and that Mayor Boughton be and hereby is further authorized to execute any

agreements or amendments thereto as may be required to accomplish the purposes hereof.

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

4 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Boughton requesting confirmation of the appointment of Peter Elste as a Police Officer within the Danbury Police Department. Mr. McAllister made a motion that the communication be received and the appointment confirmed. Seconded by Mr. Scozzafava. Motion carried unanimously.

5 – COMMUNICATION – Appointment to the Aviation Commission

Letter from Mayor Boughton requesting the confirmation of Thomas A. Frizzell, Jr. to the Aviation Commission for a term to expire July 1, 2004. The appointment was confirmed on the Consent Calendar.

6 – COMMUNICATION – Appointment to the Lake Kenosia Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Patricia Kadet to the Lake Kenosia Commission for a term to expire May 1, 2006. The appointment was confirmed on the Consent Calendar.

7 – COMMUNICATION – Reappointment to the Commission on Persons with Disabilities

Letter from Mayor Boughton requesting confirmation of the reappointment of John Gentile to the Commission on Persons with Disabilities for a term to expire March 1, 2006. The reappointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept donations from The Meserve Fund in the amount of \$2,799 and 120 smoke detectors from the North Street True Value Hardware. Mr. Furtado 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.

9 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio Turner requesting permission to accept donations in the total amount of \$242.20. Mr. McAllister 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.

10 – COMMUNICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Susan Tomanio Turner for a transfer of funds in the amount of \$574.70 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

11 – COMMUNICATION – Danbury Rail Yard Parking Proposed Budget

Request from Director of Finance Dena Diorio that the Common Council approve the Danbury Rail Yard Parking Proposed Budget for the fiscal year 2003-2004 based upon the revenues received from last fiscal year and allocating the available fund balance. The total expenditures are \$28,000 and the total revenue is \$28,000.

Mr. Moore made a motion to receive the communication and approve the proposed Danbury Rail Yard Parking Proposed Budget for the 2003-2004 fiscal year. Seconded by Mrs. Basso. Motion carried unanimously.

12 – COMMUNICATION – Request to have City property deeded on Terrace Street.

Mrs. Coladarci 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.

13 – COMMUNICATION – Request to Accept Existing Water Main on Great Plain Road.

The request to accept title to an easement for an existing water line and fire hydrant on the property of St. Gregory the Great Church, subject to City Engineer conditions and only upon prior approval by the Planning Commission as described, was approved on the Consent Calendar.

14 – COMMUNICATION – Bishop Curtis Homes Tax Abatement

Mr. McAllister asked that this be referred to the Tax Abatement Committee. Mayor Boughton so ordered.

15 – COMMUNICATION – Road Maintenance on Old Forty Acre Mountain Road

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

16 – COMMUNICATION – Deletion of Sunnyfield Drive

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

17 – COMMUNICATION – Engine Co. 25 Addition/Alterations

The request to waive the bid requirement for architectural services relative to Engine Co. 25 construction project and award the contract to Donald J. Zaleta, AIA for reasons described was approved on the Consent Calendar.

18 – COMMUNICATION – Request to Purchase or Lease City Property on Griffing Avenue

Mr. Saadi 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.

19 – COMMUNICATION – Request for Report on Land Use Complaints Procedures

Mr. Nolan asked that this be referred to the Corporation Counsel for an opinion. Mayor Boughton so ordered.

20 – COMMUNICATION – Request for an ad hoc committee regarding non-emergency lockout situations.

Mr. Moore asked that this be referred to an ad hoc committee, the Fire Chief, the Police Chief and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Gogliettino, Rotello and Dittrich to the committee.

21 – COMMUNICATION – Report from Planning Commission regarding Downtown Parking Garage giving a positive recommendation.

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

22 – COMMUNICATION – Report from the Planning Commission regarding the offer to sell land at 63 Grand Street giving a positive recommendation.

The report was received on the Consent Calendar and its recommendations approved subject to conditions regarding the acquisition of 63 Grand Street.

23 – COMMUNICATION – Reports regarding request to purchase property on Oakland Avenue

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

24 – COMMUNICATION – Reports regarding Oil Mill Road Conveyance of Property

The reports were received on the Consent Calendar and no action taken until Planning and Engineering concerns have been addressed.

25 – COMMUNICATION – Reports regarding request to purchase land on Robin Hood Road

Reports from the Corporation Counsel, the Engineering Department and the Planning Commission giving positive recommendations.

Mr. Saadi made a motion to declare the property as surplus, follow the regular process for sale pending and contingent upon a positive report from the State Department of Environmental Protection.

26 – COMMUNICATION – Reports regarding the request for sanitary sewer extension on Juniper Ridge Drive.

The reports were received on the Consent Calendar and the recommendation to add this project to the assessment list as described was approved.

27 – COMMUNICATION – Reports regarding request to purchase property on Barnum Court

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

28 – COMMUNICATION – Reports regarding request to Condemn Duck Street

The reports were received on the Consent Calendar and only a condemnation of the utility easement for the sanitary sewer and water mains was approved.

29 – REPORT – 21<sup>st</sup> Century Danbury Bond Issue

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the 21<sup>st</sup> Century Danbury Bond Issue met twice, first on July 17, 2003 at 7:00 P.M. and again on August 19, 2003 at 7:00 P.M. In attendance at the July 17<sup>th</sup> meeting were committee members Levy, Esposito, Saadi, Nolan and Basso. Also in attendance were Mayor Mark Boughton, Corporation Counsel Robert Yamin, Director of Finance Dena Diorio, Deputy Police Chief Mark Rosato, Matt McNally from the Police Department, Council Members Gogliettino and Setaro and members of the public. Councilman Setaro left the meeting after the first quarter. In attendance at the August 19<sup>th</sup> meeting were committee members Levy, Esposito, Saadi, Nolan and Basso. Also in attendance were Director of Finance Dena Diorio, Director of Parks and Recreation Robert Ryerson, Fire Chief Peter Siecienski, Director of Public Works William Buckley, Council Member Paul McAllister, ex-officio and members of the public.

At the July 17<sup>th</sup> meeting, Mayor Boughton stated that the bond issue is his vision of where he thinks the City should go. More than 60% of the bonding will go for schools. It is critical to move something forward in this bond issue for the police headquarters. Mr. Levy said the committee would address the bond issue one item at a time. After discussion, the committee asked for the following information:

Drainage Improvements – Mr. Saadi asked Mr. Buckley to confirm what is left from a previous bond package regarding the East Ditch. Mr. Levy asked for a breakdown of what has been expended in these areas.

Parks and Recreation – Mr. Levy requested a list of the improvements that will be done on these fields.

Highland Avenue Playground – Mr. Levy asked for a list of items still remaining from previous bond issues. Mr. Saadi asked for a list of items in the capital improvement plan that is part of the proposed bond package.

Rogers Park Land Acquisition – Mr. Buckley said he would submit a site plan.

West Side Fire Station – Mr. Levy asked for a report on staffing.

Police Department – Mr. Levy said he would like to see a report regarding appraisals for the other buildings on Boughton Street.

Mr. Saadi made a motion to continue the committee at the call of the Chair. Seconded by Mr. Esposito. Mr. Nolan offered an amendment to have the requested information submitted within one week and have the committee meet again before the end of the month. The motion to amend failed with committee members Levy, Esposito and Saadi voting no and committee members Nolan and Basso voting yes. Main motion carried unanimously.

The August 19<sup>th</sup> meeting convened at 7:00 P.M. Mr. Ryerson started with an explanation of his department request listed as School Field Improvements. He explained that of the 1.3 million dollars, \$300,000 would be used for elementary school field improvements and one million would be used to relocate the Pop Warner football field to Broadview Middle School. \$200,000 requested for the replacement of Rogers Park Tennis Court lighting is due to the fact that the lights are old and costly to maintain. He stated that \$300,000 for acquisition of property at Rogers Park would be used for parking.

Chief Siecienski explained the need for the West Side Fire Station. He also explained the request for \$850,000 to replace the 1981 aerial platform truck. The truck failed on 16 points at its last annual ladder test.

Mr. Levy provided the committee members and the Director of Finance with a list of possible modifications. The approved proposal is attached. The committee agreed to include the request of \$1,540,000 for bridge improvements. The next recommendation adopted was to add Drainage Improvements and Repair/Rebuild Highways together at a funding level of \$1,000,000. The committee also agreed to remove the \$1,500,000 for an added level and a half to the parking garage. The Palace Theatre acquisition at a funding level of \$2,500,000 was deleted. The recommendation to join the School Field Improvements and the Highland Avenue Playground together in the bond package with the School Field and Playground Improvements at a funding level of \$900,000 was approved. The Rogers Park Tennis Court Lighting funding request of \$200,000 was deleted, as was the Rogers Park Land Acquisition funding request of \$300,000. The request for \$200,000 to build a picnic pavilion at Tarrywile Park was deleted. The Fire Department request for \$850,000 for a replacement aerial platform truck was deferred at this time.

The Director of Finance was asked for an explanation as to why the request for the Roberts Avenue replacement school was \$18,200,000 but the State authorization for the school replacement was \$16,816.00. She said the increased amount was needed for land acquisition and related location costs. The committee decided to reduce the Selective Renovations & Upgrades by an amount of \$1,000,000 to offset the school increase. The committee instructed the Director of Finance to reduce the Contingency, Short Term Interest and Bond Issue Expense to reflect this change in the Bond Package.

Mr. Saadi made a motion to recommend approval of the Modified 21<sup>st</sup> Century Danbury Bond Issue as amended by the committee and defer it to public hearing. Seconded by Mr. Nolan. The motion carried unanimously.

Mr. Furtado made a motion to receive the report and defer the ordinance to public hearing. Seconded by Mr. Gogliettino. Motion carried unanimously.

30 – REPORT – Request for Water Extension on Louis Allan Drive

Mr. Moore submitted the following report:

The Common Council Committee appointed to review the request for water extension on Louis Allan Drive met on August 27, 2003 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore and Kelly. Also in attendance were Director of Public Works William Buckley and the petitioner, Tony Lucera.

Mr. Moore noted that the Planning Commission gave a positive recommendation. Mr. Lucera pointed out the project on a site map and outlined where the line would run. The project is a 23-lot subdivision of single-family homes. Mr. Buckley said that the City had previously acquired the DanCon Water System and this is an extension off that system. There are no sewers in the area. He would recommend approval contingent upon the required eight steps.

Mr. Kelly made a motion to recommend approval of the extension subject to the required eight steps. Seconded by Mr. Moore. Motion carried unanimously.

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

31 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Health and Housing, Department of Elderly Services, Welfare, Buildings, Parks and Recreation, Permit Center.

Mr. Levy made a motion to receive the reports and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Nolan. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 8:15 P.M. by Mr. Gogliettino for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

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MARK D. BOUGHTON  
Mayor