

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

RE: Minutes of the Common Council Meeting held November 6, 2003

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

PRESENT – Nolan, McAllister, Null, Kelly, Buzaid, Visconti, Rotello, Levy, Esposito, Saadi, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

ABSENT – Coladarci, Machado, Scozzafava, Dittrich

17 PRESENT - 4 ABSENT

Mr. Dittrich was out of town on business.

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – spoke on item 17 in support of the cardiac care resolution.

Clint Dally – spoke in favor of item 24, Hawthorne Cove Water System

Dean Esposito, 6 Federal Road – thanked the Council

MINUTES – Minutes of the Common Council Meeting held October 7, 2003. Mr. Levy made a motion to adopt the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection.

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

1 – Adopt the resolution to apply for and accept funding from Fairfield County Community Foundation in the amount of \$2,100 for staff of the Praxair Lab for the English as a Second Language program as described.

2 – Adopt a resolution to apply for and accept funding from the State of Connecticut Department of Public Health in the amount of \$388,166.00 for the School Based Health Care Program as described.

4 – Adopt a resolution to authorize the Corporation Counsel to take all legal action necessary to acquire easements on Duck Street as described.

5 – Adopt a resolution to authorize the Corporation Counsel to take all legal action necessary to acquire easements on Victor Street as described.

6 – Adopt a resolution to conclude the process of statutory filings, notifications and assessment of the Deer Ridge Water Main & Spring Ridge Water Main project as described.

14 – Approve the appropriation of \$30,000 to be transferred from the Farioly Fund to a special revenue account to be established for the purchase of new lights for the library plaza renovations.

20 – Receive communication and refer to the Corporation Counsel.

25 – Adopt a resolution to authorize the Corporation Counsel to take legal action necessary to acquire easements for the West Wooster Street bridge project.

26 – Receive the report regarding sewer extension at DePalma Lane, Lot 1 and approve the recommendations.

27 – Receive the report regarding sewer extension at 40 Clapboard Ridge Road and approve the recommendations.

28 – Receive the report regarding the Certified Local Government Historic Preservation Program and approve the recommendations.

29 – Receive the report regarding Fire and Police Non-emergency Lockout Response and approve the recommendations

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

1 – RESOLUTION – Fairfield County Community Foundation Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, a grant to staff the Praxair Lab for 13 hours a week to provide assistance to English as a Second Language students using the Lab to learn English ended September 30, 2003; and

WHEREAS, over 200 individuals use the Lab each month to improve their English; and

WHEREAS, staffing is needed to open the Praxair Lab in order for individuals to practice their English language using interactive software; and

WHEREAS the Fairfield County Community Foundation is offering a 2,100.00 grant to staff the Praxair Lab for an additional six weeks (October 27, 2003 through December 19, 2003) with no matching funds required.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury is hereby authorized to accept grant funds in the amount of \$2,100.00 upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

The resolution to apply for and accept funding from Fairfield County Community Foundation in the amount of \$2,100 for staff of the Praxair Lab for the English as a Second Language program was adopted on the Consent Calendar.

2 – RESOLUTION – West Wooster Street Bridge

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of a \$49,602.00 increase in the School Based Health Center Continuation Grant Funding, for a total amount not to exceed \$388,166.00; and

WHEREAS, the grant term will cover a two year period of July 1, 2003 through June 30, 2004 for \$194,083.00 and a second year July 1, 2004 to June 30, 2005 for an additional \$194,083.00 with a local in-kind match of twenty-five percent (25%) per year required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED Mayor Mark D. Boughton is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The resolution to apply for and accept funding from the State of Connecticut Department of Public Health in the amount of \$388,166.00 for the School Based Health Care Program was adopted on the Consent Calendar.

3 – RESOLUTION – West Wooster Street Bridge

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to reconstruct the West Wooster Street Bridge; and

WHEREAS, it will be necessary to acquire certain interests in and to real property as set forth in the Schedules attached hereto containing the legal descriptions of the properties involved; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said properties upon the amount, if any, to be paid for their respective interests to be taken in and to the real properties listed on said Schedules.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire property interests as set forth in the attached legal descriptions, on or before May 1, 2004, either by negotiations or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

Mr. Nolan made a motion to receive the communication, adopt the resolution and authorize the Mayor to sign the supplemental agreement. Seconded by Mr. Furtado. Motion carried unanimously.

4 – RESOLUTION – Duck Street Utility Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as part of a private development project utility lines have been extended across a certain private road known as Duck Street; and

WHEREAS, it is the intention of the private developer to offer and of the City of Danbury to accept said lines as part of the public utility system; and

WHEREAS, the owner of Duck Street cannot be located and eminent domain proceedings will therefore be necessary to acquire the interests to be taken in and to the easements listed on the Schedule attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire property interests as set forth in the attached legal description, on or before May 1, 2004, either by eminent domain through the institution of suit against the property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

The resolution to authorize the Corporation Counsel to take all legal action necessary to acquire easements on Duck Street was adopted on the Consent Calendar.

5 – RESOLUTION – Victor Street Utility Easement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as part of a private development project utility lines have been extended across an area described on various maps as Victor Street; and

WHEREAS, it is the intention of the private developer to offer and of the City of Danbury to accept said lines as part of the public utility system; and

WHEREAS, the ownership of Victor Street is ambiguous and eminent domain proceedings will therefore be necessary to acquire any inconsistent private ownership interests in and to the real property easements described on the Schedule attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire property interests as set forth in the attached legal description, on or before May 1, 2004, either by eminent domain through the institution of suit against the property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

The resolution to authorize Corporation Counsel to take all legal action necessary to acquire easements on Victor Street was adopted on the Consent Calendar.

6 – RESOLUTION – Deer Ridge Water Main & Spring Ridge Water Main

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a water line to be installed known as the Deer Ridge Water Main; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of water systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before January 1, 2004, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installment of water benefit assessments in connection with the Deer Ridge Water Main:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Four Thousand Two Hundred Eighty Eight Dollars (\$4,288.00).
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.34 percent (4.34%). Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.

5. A listing of the foregoing assessments was filed in the Town Clerk's Office on November 12, 2003. An appeal to the Superior Court from such assessment must be taken with 21 days of such filing.

The foregoing amounts are hereby laid upon the properties owned wholly or in part by the parties named, in the amounts and for the sums indicated for the expense of constructing the water and appurtenances in the Deer Ridge Water Main project as follows:

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a water line to be installed known as the Spring Ridge Water Main; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of water systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before January 1, 2004, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of water benefit assessments in connection with the Spring Ridge Water Main:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Sixteen Thousand Nine Hundred Eight Dollars (\$16,908.00).
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.34 percent (4.34%). Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessments was filed in the Town Clerk's Office on November 12, 2003. An appeal to the Superior Court from such assessment must be taken within 21 days of such filing.

The foregoing amounts are hereby laid upon the properties owned wholly or in part by the parties named, in the amounts and for the sums indicated for the expense of constructing the water and appurtenances in the Spring Ridge Water Main project as follows:

The resolution to conclude the process of statutory filings, notifications and assessments of the Deer Ridge Water Main & Spring Ridge Water Main project was adopted on the Consent Calendar.

7 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Bryan Reed as a Police Officer. Mr. McAllister made a motion to received the communication and confirm the appointment. Seconded by Mr. Visconti. Motion carried unanimously.

8 – COMMUNICATION – Appointment to the Northwest Connecticut Tourism District

Letter from Mayor Boughton requesting confirmation of the appointment of Terence E. McNally to represent Danbury on the Northwest Connecticut Tourism District. Mr. Gogliettino made a motion to receive the communication and confirm the appointment. Seconded by Mr. Furtado. Motion carried unanimously.

9 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$30 from Edyce Hornig. Mr. McAllister 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.

10 – COMMUNICATION – Donation to the Health Department

Letter from Director of Health and Housing William Campbell requesting permission to accept six file cabinets. Mr. Moore made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

11 – 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 \$175.00. Mr. Furtado made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Ms. Neptune. Motion carried unanimously.

12 – COMMUNICATION – Donation to the Parks and Recreation Department

Letter from Director of Parks and Recreation Robert Ryerson requesting permission to accept a donation in the amount of \$175.00 from the Connecticut ASA JO Program. 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. Gogliettino. Motion carried unanimously.

13 – COMMUNICATION – Donation to the Police Department

Letter from Chief of Police Robert Paquette requesting permission to accept the donation of a two-year lease for a vehicle to be provided by Danbury Fair Honda to the Police Department Community Services Division. Mr. Saadi made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

14 – COMMUNICATION – Farioly Fund Appropriation

Request from Director of Finance Dena Diorio requesting that the sum of \$30,000 be reappropriated from the Farioly Fund to a special revenue account to be established for the purchase of new lights for the library plaza renovation.

The reappropriation of \$30,000 from the Farioly Fund was authorized on the Consent Calendar.

15 – COMMUNICATION – Danbury Music Centre Lease

Request from Music Centre Executive Director Nancy Sudik for a renewal of its lease for a ten year period at 256 Main Street. Mr. Saadi made a motion to receive the communication and approve the new lease. Seconded by Mr. Nolan. Motion carried unanimously.

16 – COMMUNICATION – Project Rose

Letter from Director of Welfare Deborah MacKenzie requesting that she be given a blanket authorization to enter into lease agreements with area landlords and sub-leasing agreements with homeless family members under Project Rose approved by the HUD.

Mr. Nolan made a motion to receive the communication and authorize the Director of Welfare to enter into the described lease agreements. Seconded by Mr. Saadi.

After discussion, Mr. Saadi offered an amendment to have the Corporation Counsel to submit the lease agreement and the sub-lease agreements to the Common Council for review. Seconded by Mr. Gogliettino. Motion carried with Mr. Visconti voting in the negative. The main motion, as amended, carried with Mr. Visconti voting in the negative.

17 – COMMUNICATION – Report on Danbury Hospital Angioplasty Program

Report from Director of Health and Housing William Campbell recommending that based on the lack of access to recommended care and in consideration of the impact on family members that the Common Council proceed with the proposed resolution.

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

18 – COMMUNICATION – Request for Sewer and Water Extension – 1 Lyon 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 Saadi, Esposito and Basso to the committee.

19 – COMMUNICATION – Conveyance of Land – 83 Sand Pit Road

Mr. Moore 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.

20 – COMMUNICATION – Victor Street

The communication was approved on the Consent Calendar and referred to the Corporation Counsel.

21 – COMMUNICATION – Road Widening Strips – Tobin's Farm

Mr. McAllister 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.

22 – COMMUNICATION – Drainage Problem – 14 Concord Road

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

23 – COMMUNICATION – Drainage Problems on Hillandale Road and Clapboard Ridge Road

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 Nolan, Basso and Visconti to the committee.

24 – COMMUNICATION – Hawthorne Terrace Water System

Letter from Director of Public Works William Buckley stated that the evaluation of the system has been done and that the consultant is of the opinion that the system has a negative net worth and that required improvements are estimated to cost \$775,000.00.

Mr. Saadi made a motion to receive the communication and authorize the Director of Public Works to move proceed with the acquisition. Seconded by Mr. Furtado. Motion carried unanimously.

25 – COMMUNICATION – West Wooster Street Bridge Easements

The Corporation Counsel was authorized, on the Consent Calendar, to take legal action necessary to acquire easements for the West Wooster Street Bridge project.

26 – REPORT – Request for Sewer Extension – Lot 1, DePalma Lane

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at Lot 1, DePalma Lane met on October 14, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Neptune and Basso. Also in attendance were Director of Public Works William Buckley, the petitioners, Maria and George Pereira, Ralph Dohan and Ralph Gallagher.

Ms. Neptune noted the positive recommendation from the Planning Commission. Mr. Buckley said he would recommend approval subject to the required eight steps.

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

The report regarding sewer extension at Lot 1 DePalma Lane was received on the Consent Calendar and its recommendations approved.

27 – REPORT – Request for Sewer Extension – 40 Clapboard Ridge Road

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 40 Clapboard Ridge Road met on October 14, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Neptune and Gogliettino. Also in attendance were Director of Public Works William Buckley and the petitioners Betty Lubus and Kathy Simone.

Ms. Neptune noted the positive recommendation from the Planning Commission. Mr. Buckley said he would recommend approval subject to the required eight steps. Mr. Buckley explained the eight steps to the petitioners.

Mr. Gogliettino made a motion to recommend approval of the request for sewer extension subject to the required eight steps. Seconded by Ms. Neptune. Motion carried unanimously.

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

28 – REPORT – Certified Local Government Program

Mr. Moore submitted the following report:

The Common Council Committee appointed to review the Certified Local Government Program met on October 29, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore, Buzaid and Nolan. Also in attendance were Director of Planning Dennis Elpern, Assistant Corporation Counsel Robin Edwards, Paul Lothar from the State Historic Preservation Program, Professor Laurie Weinstein from Western Connecticut State University, Council Members Basso and Esposito, ex-officio and members of the public.

Mr. Moore asked Mr. Lothar for an explanation of the program. Mr. Lothar stated that local governments could strengthen their historic preservation efforts by achieving certified local government status from the National Park Service. The National Park Service, through their State Historic Preservation Offices provide technical assistance and matching grants to local governments who are trying to preserve their community's past.

Mr. Lothar stated that most grants are leverage and matched on a 60-40 basis. They range from \$500 to \$1,000, but the largest has been \$44,000 and can be used for a variety of projects from historical to national nominations to general planning projects, educational projects, walking tours, etc. Grant money can also be used for planning and inventory. The key element is that the municipality must have an established local historic district. There are some criteria that must be met regarding those who serve on the board.

After further discussion, Mr. Buzaid made a motion to recommend authorization for the Mayor to proceed and do what is necessary to go forward with the certification program. Seconded by Mr. Nolan. Motion carried unanimously.

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

29 – REPORT – Fire and Police Non-Emergency Lockout Response

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review fire and police non-emergency lockout responses met twice, first on September 16, 2003 in the Third Floor Caucus Room in City Hall and again on October 14, 2003 in City Hall. In attendance at the September 16th meeting were committee members Gogliettino and Rotello, as well as Fire Chief Peter Siecienski, Assistant Corporation Counsel Les Pinter and Council Members Levy and McAllister, ex-officio. In attendance at the October 14th meeting were committee members Gogliettino and Rotello, as well as the Fire Chief and Council Member Pauline Basso, ex-officio.

Mr. Gogliettino stated that his reason for requesting this committee is that he is concerned that we may be using too much of the police and fire equipment and manpower on non-emergency calls for car and house lockouts. He expressed his concern about the wear and tear on running heavy equipment on these calls considering the recent request to bond a new ladder truck.

Fire Chief Siecienski stated that Fire Department responded to 400 calls from January 2000 through September 2003. He did not have records to indicate what percentage of calls were non-emergencies. The Police Chief was unable to attend the meeting but submitted a letter indicating that his department will respond to non-emergency calls on a non-priority basis. The committee wanted more information from the on the number of calls the Police Department responds to before coming to a conclusion.

At the October 14th meeting, Chief Siecienski submitted a run survey for the record. Ours is high compared to other municipalities in the State. The Police Chief did not attend the meeting, but told the Chairman that he does not keep records on breakdowns.

Mr. Rotello made a motion to take no action at this time. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

30 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Building Department, Permit Center, Health and Housing, Department of Elderly Services, Welfare, Public Works.

Mr. Levy made a motion to receive the department 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.

31 – Mr. Levy made a motion to add a Contract Amendment with Danbury VNA as item 31. Seconded by Mr. Visconti. Motion failed with nine in the affirmative and 7 in the negative. Two-thirds was not achieved.

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

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor