

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

RE: Minutes of the Common Council Meeting held December 2, 2003

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

PRESENT – McMahon, Nolan, Burns, Trombetta, Calandrino, Cavo, Esposito, Saadi, Barry, Visconti, Steinerd, Urice, Bingaman, Teicholz, Basso, Nagarsheth, Payton, Riley, Saracino, Seabury, Stanley

21 PRESENT 0 ABSENT

PUBLIC SPEAKING

Margaret Mitchell, 2 Park Place – supports the bond package

Doug Parkhurst, 10 Orchard Street – concerned about West Wooster Street Bridge Traffic

Lynn Waller, 83 Highland Avenue – against appropriations for DMV holds and for Broadcasting Common Council meetings

Ottillili Jegel, 11 Monarch Road – leave Monarch Road undeveloped.

Richard Roos, 17 Mountainville Avenue – new Roberts Avenue School is needed

Rich Oldham, Hawley Road – Jackson Drive

Anna Vigaha, 23 Stadley Rough Road – against Jackson Drive

Richard Krofton-Sleigh, 23 Stadley Rough Road – against Jackson Drive

Maria Cariglia, 29 Woodbury Drive – against Jackson Drive

Hong Ree, 8 Woodbury Drive – against Jackson Drive

Philip DeFelice, 19 Corntassle Road – in favor of Jackson Drive

Vin Carboni, 21 Corntassle Road – in favor of Jackson Drive

Monique LeCoz, 23 Woodbury Drive – against Jackson Drive

Janio Naciawicz, 15 Corntassle Drive – against Jackson Drive

Bob Ronan, 10 Jackson Drive – in favor of Jackson Drive

Bob Lynch, 14 Hawley Road – in favor of Jackson Drive

Bill Trotta, 20 Woodbury Drive – in favor of Jackson Drive

Rosty Slabicki, 105 Deer Hill Avenue – supports the bond package

MINUTES – Minutes of the Common Council Meeting held November 6, 2003.

Mr. Nolan made a motion to accept the minutes as adopted and waive the reading as all members have copies, which are on file in the clerk's office for public inspection.

Seconded by Mr. Trombetta. Motion carried unanimously.

CONSENT CALENDAR – Mrs. Basso presented the following items for the consent calendar:

3 – Adopt the resolution and authorize the Mayor to execute the contract with the State Department of Social Services, providing \$92,164.00 in grant funding for the operation of the emergency shelter.

4 – Adopt the resolution and authorize the Mayor to execute the supplemental application to the State Department of Transportation for grant funding under the DOT Local Bridge Program, in conjunction with the replacement of the West Wooster Street Bridge.

5 – Adopt the resolution and authorize the Mayor to execute the second supplemental application to the State Department of Transportation for grant funding under the DOT Local Bridge program, in conjunction with the replacement of the Thorpe Street Extension Bridge.

6 – Adopt the resolutions levying final assessments in conjunction with the Deer Ridge & Spring Ridge Water Main assessment projects and authorize the installment method of payment.

7 – Adopt the resolution extending the time period for acquisition of properties under the North Main Street Redevelopment Plan, through May 31, 2004.

- 8 – Adopt the resolution and authorize the Mayor to execute the assignment of real estate and water/sewer tax liens on the grand lists of 2000, 2001 and 2002 in the amount of \$998,673.65 with American Tax Funding LLC.
- 11 – Receive the communication and confirm the appointment of Thomas Pinkham, Jr. as a member of the Environmental Impact Commission.
- 12 – Receive the communication and confirm the appointment of Zoy Beretis as a member of the Cultural Commission.
- 13 – Receive the communication and confirm the appointment of Charlotte Barrows as a member of the Commission on Aging and Natalie Farrar as an alternate member of the Commission on Aging.
- 14 – Receive the communication and confirm the appointment of Keith Prazeres as an alternate member of the Environmental Impact Commission.
- 21 – Receive the communication and appropriate \$300,000 to the Police Special Services Account to meet current payroll needs for police contractual special services.
- 22 – Receive the communication and appropriate \$11,273.00 to the Tax Collector's Outside Services Account to pay necessary fees to the Department of Motor Vehicles for registration holds on delinquent motor vehicle taxes.
- 23 – Receive the communication and appropriate \$50,490.00 to the Board of Education in conjunction with the Universal Service Program (E-Rate), funded by the federal government.
- 24 – Receive the communication and approve the contract amendment between the City and the Danbury Visiting Nurse Association, authorizing the sub-contracting of services with the Families Network of Western Connecticut, pursuant to their spin-off from the VNA.
- 25 – Receive the communication and take no action at this time.
- 26 – Receive the communication and take no action at this time.
- 32 – Receive the communication and approve the 18-month extension of time on the sewer and water extension request for Hillcroft Apartments, Assessors Lot H12002.
- 34 – Receive the positive recommendation of the Planning Commission and instruct the Director of Public Works to proceed with action on the Old Farm Road sewer line project in accordance with usual procedures.
- 35 – Receive the reports from the Director of Public Works, Corporation Counsel and the Planning Commission's negative recommendation and take no action on the request to purchase land on Monarch Road.
- 36 – Receive the reports and communications and authorize the Director of Public Works to provide up to 200 feet of drainage piping and a catch basin to the property owners of 14 and 16 Karen Road for installation at their expense, subject to the final acquisition of necessary easements by the Corporation Counsel.
- 39 – Receive the reports from the Director of Public Works, Corporation Counsel and the Planning Commission's negative recommendation and take no action on the offer to sell land on Fairfield Avenue.
- 40 – Receive the reports from the Director of Public Works and the Corporation Counsel and approve the conveyance of a road-widening parcel of land along Sand Pit Road from YRB Associates, LLC.
- 41 – Receive the reports from the Director of Public Works and the Corporation Counsel and approve the conveyance of road-widening parcels of land along Crows Nest Lane and Shelter Rock Road from Tobin's Farm Development, LLC.

42 – Receive the reports from the Director of Public Works and related correspondence and take no action at this time.

45 – Receive the report and approve the recommendation requesting a report from the Tax Assessor on the fair market value of the desired property on Terrace Street.

46 – Receive the committee report and approve the recommendations therein, authorizing the Director of Public Works to conduct a mail survey, followed by direct referral to public hearing.

47 – Receive the committee report and take no action at this time.

48 – Receive the committee report and take no action at this time.

49 – Receive the committee report and take no action at this time.

Ms. Saracino made a motion to adopt the consent calendar as read. Seconded by Mrs. Cavo. Motion carried unanimously.

Mr. Nolan made a motion to move item 44 to the beginning of the agenda. Seconded by Mrs. Basso. Motion carried unanimously.

44 – REPORT – Jackson Drive Area Preliminary Sewer Assessments

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the Jackson Drive Area Preliminary Sewer Assessments met on June 10, 2003 and again on November 10, 2003. In attendance at the June 10th meeting were committee members Saadi, Coladarci and Basso. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, Council Members Levy, Gogliettino and McAllister, ex-officio, residents of the Jackson Drive area and members of the public. In attendance at the November 10th meeting were committee members Saadi, Coladarci and Basso. Also in attendance were Director of Public Works William Buckley, Director of Health William Campbell and Deputy Corporation Counsel Eric Gottschalk.

At the June 10th meeting Mr. Buckley explained the sewer assessment process and also how this system would flow. Mr. Buckley answered questions from the committee about general concerns with this particular project. Mr. Levy asked Attorney Gottschalk to interpret how the Code of Ordinances operates as to the process. Attorney Gottschalk explained how the benefit (cost) is apportioned. The benefit is a financial snapshot of the property value before the improvement and after. Using the City's cost is a recognized approach. Four factors are considered. The property owners are allowed to pay over time. They can pay up front if they so choose.

The committee met again on November 10th. Mr. Saadi summarized the history of this proposal. He then asked Mr. Campbell to address any health or environmental problems in this area. Mr. Campbell stated that although there are no properties under orders to remediate, the area has been a problem historically with failing and problematic sewer systems. Mr. Campbell said a permanent solution is needed and he recommends that the sewers be extended to the area for community health and safety.

Mr. Saadi addressed concerns raised in letters to the committee that people would not be required to pay their fair share of the assessment now or in the future. Mr. Buckley stated that all persons, no matter when assessed, are subject to the same assessment formula set forth in City ordinance.

Mrs. Coladarci made a motion to make a positive recommendation to the Common Council that the project as presented be approved. Mrs. Basso seconded the motion. The motion carried unanimously.

Mr. Nolan made a motion to defer the report until the January 2004 meeting to give the new Council Members an opportunity to review the issue. Seconded by Ms. Saracino. Motion carried with Mr. Saadi voting in the negative.

1 – ORDINANCES – 21st Century Bond Package

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

2 – ORDINANCES – Sewer and Water Extensions

Ms. Saracino asked that these be deferred to public hearing. Mayor Boughton so ordered.

3 – RESOLUTION – Homeless Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services has made available a grant in the amount of \$92,164.00 for the operation of the Emergency Shelter; and

WHEREAS, the grant period is October 1, 2003 through September 30, 2004; and

WHEREAS, no local match is required.

NOW, THEREFORE, be it resolved that Mark D. Boughton, Mayor of the City of Danbury, is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for this Emergency Shelter Grant and to affix the corporate seal.

The resolution to authorize the Mayor to execute the contract with the State Department of Social Services, providing \$92,164.00 in grant funding for the operation of the emergency shelter was adopted on the Consent Calendar.

4 – RESOLUTION – West Wooster Street Bridge Supplemental Application

RESOLVED by the Common Council of the City of Danbury:

Bridge No. 034-041
City Project No. 97-39

West Wooster Street Bridge

THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute the SUPPLEMENTAL APPLICATION BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REPLACEMENT OF THE WEST WOOSTER STREET BRIDGE (BRIDGE NO. 034-041) OVER BLIND BROOK, together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The resolution to authorize the Mayor to execute the supplemental application to the State Department of Transportation for grant funding under the DOT Local Bridge Program, in conjunction with the replacement of the West Wooster Street Bridge was adopted on the Consent Calendar.

5 – RESOLUTION – Federal Local Bridge Program – Thorpe Street Extension Bridge

RESOLVED by the Common Council of the City of Danbury:

Federal Project No. BRZ-6034(6)
State Project No. 34-270
City Project No. 93-29

Thorpe Street Extension Bridge

THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute the SECOND SUPPLEMENTAL AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REPLACEMENT OF THE THORPE STREET EXTENSION BRIDGE (BRIDGE NO. 05097) OVER KOHANZA BROOK. Together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The resolution to authorize the Mayor to execute the second supplemental application to the State Department of Transportation for grant funding under the DOT Local Bridge program, in conjunction with the replacement of the Thorpe Street Extension Bridge was adopted on the Consent Calendar.

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

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 7-137c, 7-137d and 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 March 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 December 5, 2003. An appeal to the Superior Court from such assessment must be taken with sixty (60) 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: (See attached)

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 7-137c, 7-137d and 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 March 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 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 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 December 5, 2003. An appeal to the Superior Court from such assessment must be taken with sixty (60) 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: (See attached)

The resolution levying the final assessments in conjunction with the Deer Ridge & Spring Ridge Water Main assessment projects and authorize the installment method of payment was authorized on the Consent Calendar.

7 – RESOLUTION – North Main Street Redevelopment Plan, Acquisition of Properties

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on January 23, 2003 the City of Danbury, acting through its Redevelopment Agency, adopted a Redevelopment Plan, which is designed to further the renewal and revitalization of downtown Danbury; and

WHEREAS, said Redevelopment Plan provides for the improvement of a portion of the North Main Street area of Danbury; and

WHEREAS, in order to implement said Redevelopment Plan the acquisition of certain pieces or parcels of land will be necessary; and

WHEREAS, eminent domain proceedings will be required if the City of Danbury cannot agree with the property owners upon the amount to be paid for their interests in said parcels.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL of the City of Danbury, that said Redevelopment Plan is hereby approved and that the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the aforesaid properties, as more particularly described in Exhibits A through G attached hereto, in accordance with procedures established in state law, either by negotiation or by eminent domain through the institution of suit against the interested property owners and holders of mortgages or other encumbrances upon the properties, if any, on or before May 31, 2004.

The resolution extending the time period for acquisition of properties under the North Main Street Redevelopment Plan through May 31, 2004 was adopted on the Consent Calendar.

8 – 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 (“ATF”); and

WHEREAS, the assignment of additional tax liens on the grand lists of October 1, 2000, October 1, 2001 and October 1, 2002, to ATF, with Foothill Capital Corporation 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.

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 Corporation as a secured party, of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand lists of October 1, 2000, October 1, 2001 and October 1, 2002 and having a value of \$998,673.65 (less any amounts paid between November 21, 2003 and December 31, 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.

The resolution to authorize the Mayor to execute the assignment of real estate and water/sewer tax liens on the grand lists of 2000, 2001 and 2002 in the amount of \$998,673.65 with American Tax Funding LLC was adopted on the Consent Calendar.

9 – COMMUNICATION – Appointments to the Police Department

Letter from Mayor Mark Boughton requesting the confirmation of the promotion of Police Officer Bruce Bertram to the rank of detective within the Danbury Police Department; for the confirmation of the promotion of Police Officer Joseph Norkus, Jr. to

the rank of detective within the Danbury Police Department; and for the confirmation of the appointment of Gary Bardelli to the position of police officer.

Mrs. Teicholz made a motion that the promotion of Police Officer Bruce Bertram to the rank of detective be confirmed. Ms. Saracino seconded the motion. Motion carried unanimously.

Mrs. McMahon made a motion that the promotion of Police Officer Joseph Norkus, Jr. to the rank of detective be confirmed. Seconded by Ms. Saracino. Motion carried unanimously.

Mr. Saadi made a motion that the appointment of Gary Bardelli to the position of police officer be confirmed. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Appointment as Deputy Fire Chief

Letter from Mayor Boughton requesting confirmation of the appointment of Philip D. Curran as Deputy Fire Chief. Mrs. Basso made a motion to receive the communication and confirm the appointment. Seconded by Mr. Nolan. Motion carried unanimously.

11 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Boughton requesting confirmation of Thomas Pinkham, Jr. to the Environmental Impact Commission for a term to expire December 1, 2006. The appointment was confirmed on the Consent Calendar.

12 – COMMUNICATION – Appointment to the Cultural Commission

Letter from Mayor Boughton requesting confirmation of the appointment Zoy Beretis to the Cultural Commission for a term to expire February 1, 2006. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Appointments to the Commission on Aging

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Charlotte Barrows to fill a vacancy on the Commission on Aging for a term to expire October 1, 2003 and also to confirm the appointment of Natalie L. Farrar as a Alternate Member of the Commission on Aging for a term to expire October 1, 2006. The appointments were confirmed on the Consent Calendar.

14 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Boughton requesting confirmation of Keith M. Prazeres as an Alternate Member of the Environmental Impact Commission for a term to expire December 1, 2006. The appointment was confirmed on the Consent Calendar.

15 – COMMUNICATION – Donations to Project Rose for Security Deposits

Letter from Director of Welfare Deborah MacKenzie requesting permission to accept donations to the Project Rose security deposit fund in the total amount of \$850.00. Mr. Nagarsheth made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Bingaman. Motion carried unanimously.

16 – 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 \$275.00 for use by the Senior Center. Mr. Cavo made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Ms. Burns. Motion carried unanimously.

17 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a decontamination trailer/radio system from the Connecticut Office of Emergency Management and a free trailer towing from Modzelewski's Towing Service. Mr. Bingaman made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

18 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$68.00 from Danbury/New Fairfield Newcomers Club. Ms. Burns 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.

19 – COMMUNICATION – Donation to the Parks and Recreation Department

Letter from Director of Parks and Recreation Robert Ryerson requesting permission to accept a donation from the Danbury Garden Club in the amount of \$500.00. Mr. Riley made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Steinerd. Motion carried unanimously.

20 – COMMUNICATION – Donation of Signs for the Dining/Entertainment District

Letter from Tom Devine requesting that the City accept the donation of signs for the Dining/Entertainment District, which cost \$1,152.00. Mr. Seabury made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

21 – COMMUNICATION – Appropriation for Police Department Special Services Account

Letter from Police Chief Robert Paquette requesting an appropriation of \$300,000 to meet current payroll demands for the Special Services Account. These funds are returned to the general fund as indirect revenue from the private sector.

The communication was received on the Consent Calendar and the sum of \$300,000 appropriated as described.

22 – COMMUNICATION – Appropriation for DMV Registration Holds

Letter from the Director of Finance Dena Diorio requesting that the sum of \$11,273.00 be appropriated to the Tax Collector's Outside Services Account to pay fees to the Department of Motor Vehicles for registration holds on delinquent motor vehicles taxes.

The communication was received on the consent calendar and the appropriation authorized as described.

23 – COMMUNICATION – Appropriation to the Board of Education

Letter from Director of Finance Dena Diorio stating that the Board of Education participates in the Universal Service Program (E-Rate) funded by the federal government. The Board of Education is eligible to receive up to fifty percent reimbursement for certain telecommunication and Internet services. In October the Board of Education received a check in the amount of \$50,490. The check was posted as revenue to the general fund. In order for the Board to spend the funds, an appropriation is required.

The communication was received on the Consent Calendar and the sum of \$50,490 appropriated to the Board of Education in conjunction with the Universal Service Program funded by the federal government.

24 – COMMUNICATION – Contract Amendment with Danbury VNA

Letter from Director of Finance Dena Diorio stating that the Danbury Visiting Nurse Association was allocated \$155,000 as part of the fiscal year 2003/2004 adopted budget to be used to support various programs including the Healthy Families Network. The Healthy Families Network has become an independent organization called the Families Network of Western Connecticut. This contract amendment will allow the Danbury VNA to subcontract with FNWC until the Connecticut Children's Trust Fund Council approves operation of the Healthy Families Network by the new entity.

The communication was received on the Consent Calendar and the contract amendment between the City and the Danbury Visiting Nurse Association authorizing the sub-contracting of services with the Healthy Families Network pursuant to their spin-off from the VNA approved.

25 – COMMUNICATION – Public Broadcasting of Common Council Monthly Meetings

Mr. Saadi asked that this be referred to an ad hoc committee and the Superintendent of Public Buildings. Mayor Boughton so ordered and appointed Council Members Cavo, Basso and Barry to the committee.

26 – COMMUNICATION – Snow Plowing of Private Roads

The communication was received on the Consent Calendar and no action taken.

27 – COMMUNICATION – Non-Profit Groups

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

28 – COMMUNICATION – Request for Sewer and Water Extensions – 142 Deer Hill Avenue

Ms. Saracino 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 Basso, Stanley and Barry to the committee.

29 – COMMUNICATION – Project Rose Leases

Mrs. Payton made a motion to receive the communication and approve the leases. Seconded by Mr. Bingaman. Motion carried unanimously.

30 – COMMUNICATION – Request for Sewer Fee Waiver – Rockwell Road

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

31 – COMMUNICATION – Request for Sewer Extension – 31 Olive Street

Mr. Urice made a motion to receive the communication and take no action. Mayor Boughton so ordered.

32 – COMMUNICATION – Request for Extension of Time – Clapboard Ridge Road

The communication was received on the Consent Calendar and an 18-month extension of time on the sewer and water extension request approved.

33 – COMMUNICATION – Report regarding West Wooster Street Bridge

Mr. Nolan made a motion that the report be received and no action taken on the temporary remedies. Seconded by Mr. Saadi. Motion carried unanimously.

34 – COMMUNICATION – Report from the Planning Commission regarding Old Farm Road

The positive recommendation from the Planning Commission was received on the Consent Calendar and the Public Works Director instructed to proceed with action on the Old Farm Road sewer line project in accordance with usual procedures.

35 – COMMUNICATION – Reports regarding Monarch Road

The reports from the Director of Public Works, the Corporation Counsel and the Planning Commission's negative recommendation were received on the Consent Calendar and no action taken.

36 – COMMUNICATION – Reports regarding Karen Road Storm Drainage

The reports and communications were received on the Consent Calendar and the Director of Public Works authorized to provide up to 200 feet of drainage piping and a catch basin to the property owners of 14 and 16 Karen Road for installation at their expense, subject to the final acquisition of necessary easements by the Corporation Counsel.

37 – COMMUNICATION – Reports regarding Ironwood Drive

Mrs. Teicholz made a motion to receive the reports, accept the donation of land and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

38 – COMMUNICATION – Reports regarding Flirtation Drive

Mr. Bingaman made a motion to receive the reports and authorize the change from Flirtation Turn to Flirtation Drive. Seconded by Mr. Cavo. Motion carried unanimously.

39 – COMMUNICATION – Reports regarding Fairfield Avenue

The reports from the Director of Public Works, the Corporation Counsel and the Planning Commission's negative recommendation were received on the Consent Calendar and no action taken on the offer to sell land on Fairfield Avenue.

40 – COMMUNICATION – Reports regarding Road Widening Parcel – Sand Pit Road

The reports from the Director of Public Works and the Corporation Counsel were received on the Consent Calendar and the conveyance of a road-widening parcel of land along Sand Pit Road from YRB Associates, LLC approved.

41 – COMMUNICATION – Reports regarding Road Widening Parcel – Crows Nest Lane and Shelter Rock Road

The reports from the Director of Public Works and the Corporation Counsel were received on the Consent Calendar and the conveyance of road-widening parcels of land along Crows Nest Lane and Shelter Rock Road from Tobin's Farm Development, LLC approved.

42 – COMMUNICATION – Reports regarding 14 Concord Road

The reports from the Director of Public Works and related correspondence were received on the Consent Calendar and no action taken.

43 – REPORT – Veterans Tax Credit

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review tax credits for veterans met on October 15, 2003 and again on November 19, 2003. In attendance at the October 15th meeting were committee members Saadi and Esposito. Also in attendance were Corporation Counsel Robert Yamin, Assistant Director of Finance Dan Garick, Tax Assessor Colleen Velez, Jack Lanigan, President of the Veterans Council, representatives of other veterans organizations and Council Members Levy and Basso, ex-officio. In

attendance at the November 19th meeting were committee members Saadi, Esposito and Nolan. Also in attendance were Tax Assessor Colleen Velez, Assistant Director of Finance Dan Garick and Council Member Pauline Basso, ex-officio, as well as representatives of veterans organizations.

Mr. Saadi gave the background on this issue. A resolution was presented to the legislature so that municipalities would have more discretion regarding veterans tax relief issues. Municipalities now can raise income levels for wartime veterans. Representatives of the veteran's organizations gave examples of what other towns are doing.

After discussion regarding various options, Mr. Saadi stated that he would like more information about the percentage of wartime veterans who fall into the income levels. Mr. Levy suggested establishing a pool and Mr. Saadi said it should be capped at \$400,000. Mr. Saadi asked if setting aside a stated dollar amount would require a delay in processing the applications? Ms. Velez said the grand list is set by December. Applications can be filled out all year long. Mr. Saadi said he would like to see what impact on the mill rate a cap of \$400,000 would have and the committee will look for other guidelines. Mr. Esposito made a motion to continue the meeting at 8:45 P.M.

When the committee reconvened on November 19th, Mr. Saadi reviewed the history of the proposed increase including the recent state statutory change and the substance of the discussion at the previous meeting.

Mr. Saadi asked the tax assessor what the impact on the mill rate would be if the City set aside \$400,000 in a dedicated fund for veteran's property tax relief. Ms. Velez stated that it would be a .0338% impact equating to .08 mills. It would be a 16.5 million dollar reduction in assessments out of a 4.5 billion dollar grand list. Mrs. Basso asked if people need to apply each year. Ms. Velez stated that they need to apply every two years.

Mr. Saadi stated that the committee should authorize the Corporation Counsel to draft an ordinance which accomplishes the following: (1) set aside no less than \$400,000 in forgone revenue or 16.5 million in assessment reductions for veterans property tax exemptions; (2) set the eligible income limits at the maximum level permitted pursuant to Conn. General Statute 12-811 as amended by public act 03-44; (3) set the maximum assessment reduction at 10% of a property's assessment with the minimum reduction set at \$10,000; and (4) sunset the ordinance after two years for review and adjustment if appropriate.

Mr. Nolan made a motion to recommend to the Common Council that the Corporation Counsel be directed to draft an ordinance implementing the four points previously set forth. Seconded by Mr. Esposito. The motion passed unanimously.

Mr. Riley made a motion to receive the report and have the Corporation Counsel draft the appropriate ordinance. Seconded by Mr. Esposito. Motion carried unanimously.

44 – REPORT – Jackson Drive Area Preliminary Sewer Assessments – See beginning of minutes.

45 – REPORT – Request to Purchase Land on Terrace Street

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request to purchase City owned property on Terrace Street met on November 18, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy and Nolan. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Attorney Gregg Brauneisen and Mary and Ermina Capiello.

Mr. Buckley was asked for an explanation of his negative recommendation on the sale of this property. He stated that it has been a long-standing position not to sell city land near schools or parks. There is no way to predict whether the City would have

need of this land in the future. Mr. Levy pointed out that the Common Council usually follows the recommendations of City departments. In this case, because the Cappiellos said that they have cared for the property for seventy years, the committee wanted to make sure that it is not overlooking a hardship. Attorney Brauneisen said that the Cappiellos have used and maintained a portion of the City property for many years. He showed pictures of the property and a portable garage the petitioners erected on it. They would like to replace this with a permanent detached one-car garage.

Attorney Pinter said that the Common Council would have to get the Planning Commission and the Board of Education to review the proposal and make recommendations. The land would have to be declared surplus and the value determined by the Tax Assessor. By a two-thirds vote of the Common Council, it could then be offered to the petitioners.

Mr. Nolan made a motion to take no action, refer the property purchase request to the Tax Assessor for a fair market value and report back to the Common Council. Seconded by Mr. Levy. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendation requesting a report from the Tax Assessor on the fair market value of the desired property on Terrace Street approved.

46 – REPORT – Request for Sewer Extension for Wooster School

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension for Wooster School on Miry Brook Road met on November 20, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado and Rotello. Also in attendance were Director of Public Works William Buckley and Attorney Neil Marcus.

Mr. Furtado noted the positive recommendation from the Planning Commission. Mr. Buckley gave an overview of the project and said he would recommend approval subject to the required eight steps.

Mr. Rotello made a motion to recommend approval of the sewer extension to the neighborhood, which includes Wooster School, consistent with the new assessment methodology, with the condition, that the Wooster School provide the City with the engineering drawings for the sewer extension at no cost to the City. In addition, the Wooster School is to provide the City the easements necessary to extend the sewer onto their property at no cost to the City. Additionally, Mr. Rotello moved to place this project at the top of the assessment list as a priority due to the timing needed for the school to open in September 2004 and in consideration of the donation of the easements and the engineering plans. Seconded by Mr. Furtado. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendations authorizing the Director of Public Works to conduct a mail survey followed by direct referral to the public hearing were approved.

47 – RPORT – Moratorium on Sewer and Water Projects

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the need for a moratorium on sewer and water projects met on November 19, 2003 at 7:45 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members McAllister and Coladarci. Also in attendance were Director of Public Works William Buckley, Council Members Nolan and Basso, ex-officio and members of the public.

Mr. McAllister read a letter from the Corporation Counsel outlining the areas where and when a moratorium might be implemented. Mr. McAllister stated that based

on that information he did not believe a moratorium would be advisable. Mr. Coladarci agreed and noted that there have been several procedural changes recently.

Mrs. Coladarci made a motion to take no action on this matter. Seconded by Mr. McAllister. Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

48 – REPORT – Road Maintenance on Marjorie Manor

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review road maintenance on Marjorie Manor met on November 19, 2003 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members McAllister, Null and Nolan. Also in attendance were Director of Public Works William Buckley, Council Member Pauline Basso, ex-officio and members of the public.

Mr. McAllister gave the background on this issue and noted that in the past the residents and homeowners of Marjorie Manor were strongly urged to look into forming a private taxing district for the purpose of road improvements. If the City were to do road improvements, it would have to do so under the standards currently in effect. This could be extremely costly to property owners. Mr. McAllister informed the property owners that they should look into a tax district.

Mr. Nolan made a motion to take no action at this time and that any subsequent committees regarding this issue be urged to look into a private taxing district. Seconded by Mr. Null. Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

49 – REPORT – Transfer of Land to Tarrywile Park Authority

Mr. McAllister submitted the following report:

The Common Council Committee appointed to review the transfer of land to the Tarrywile Park Commission met on February 25, 2003 and again on November 19, 2003 in the Third Floor Caucus Room in City Hall. In attendance at the February 25th meeting were committee members McAllister and Basso. Also in attendance were Corporation Counsel Robert Yamin, Jerry Daley, Sandy Moy and Bill Lewis from Tarrywile Park and Council Members Levy and Gogliettino, ex-officio. In attendance at the November 19th meeting were committee members McAllister and Basso. Also in attendance were Director of Public William Buckley, Sandy Moy from Tarrywile, Council Member Vin Nolan, ex-officio and members of the public.

After a discussion regarding the allowed uses of the three properties in question, it was determined that reports from the City Engineer on the condition of the 54 acres of land and the Director of Parks and Recreation to determine if the land can be used for active recreation were needed. The meeting was continued at 7:30 P.M.

The meeting reconvened at 8:00 P.M. on November 19, 2003. The Parks and Recreation Director had no issued a report and it was noted that the Conservation Commission had issued a report on open space that included this land. Mr. McAllister said he saw no reason to rush to judgment, as the City already owns the land.

Mrs. Basso made a motion to take no action at this time. Seconded by Mr. McAllister. Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

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

Mr. Nolan 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 Mrs. Basso. Motion carried unanimously.

Mayor Boughton extended all committees and replaced members as necessary. Mayor Boughton appointed Deputy Corporation Counsel Eric Gottschalk as parliamentarian.

There being no further business to come before the Common Council a motion was made by Ms. Saracino at 9:20 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor