

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

RE: Minutes of the Common Council Meeting held February 4, 2004

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

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

ABSENT – Burns

20 PRESENT – 1 ABSENT

PUBLIC SPEAKING - No one addressed the Common Council

MINUTES – Minutes of the Common Council Meeting held January 6, 2004 and the Special Common Council Meeting held January 26, 2004. Mr. Nolan 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. Seconded by Ms. Saracino. Motion carried unanimously.

CONSENT CALENDAR – Mrs. Basso offered the following items for the Consent Calendar:

2 – Receive the communication and adopt the Resolution.

3 – Receive the communication and adopt the Resolution.

4 – Receive the communication and adopt the Resolution.

5 – Receive the communication and adopt the Resolution.

10 – Receive the communication and confirm the appointment of Thomas Quinn, James Derwin, John Dzurik, Seth Sanford and Sharon Kelly as members of the Commission on Aging and the reappointment of Helen Miller as an alternate member of the Commission on Aging.

11 – Receive the communication and confirm the appointment of Jason Caloras, Nyron Crawford, Lindsay Damici, Bindiya Patel, Leah Dvorkin, Samantha Vasquez and Edward Simao as Youth Advisors to the Danbury Youth Commission.

12 – Receive the communication and confirm the appointment of Common Council Members Pauline Basso, Louise McMahon and Kevin Barry and citizen appointees Alan T. Boyce and Mark S. Chory to serve as the Governmental Entities Review Committee for agencies scheduled for review as of June 30, 2004.

18 – Receive the communication and authorize the transfer of funds to the Public Buildings line items as outlined.

19 – Receive the communication and authorize the transfer of funds to the Public Works line items as outlined.

23 – Receive the report and adopt the Ordinance.

24 – Receive the report and adopt the final assessments for the Windaway Road Sanitary Sewer Extensions.

25 – Receive the report and approve the request for sewer and water extensions on Eagle Road, including the ninth step outlined by the committee for abandonment of existing lines and easements.

26 – Receive the report and authorize the Public Works Department to proceed with the project as outlined.

30 – Receive the report and approve the licensing agreement for the Bear Mountain Cottage as proposed by the committee.

Ms. Saracino made a motion to adopt the Consent Calendar as read. Attorney Gottschalk noted that the resolution in item 24 should be adopted. Seconded by Mr. Cavo. Motion carried unanimously.

1 – ORDINANCE – Amendment to Connecticut Basic Building Code

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

2 – RESOLUTION – Danbury Youth Services

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed seventy-five thousand (\$75,000) dollars are available from the State of Connecticut Department of Education for 2004-05 Youth Services Bureau operations; and

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

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Mark D. Boughton as Mayor of the City of Danbury, in applying for these funds be and hereby are ratified and that Mayor Boughton as Mayor of the City of Danbury, in applying for these funds be and hereby are ratified and that Mayor Boughton be and hereby is authorized and directed to contract with the State of Connecticut Department of Education for a state cost sharing grant not to exceed \$75,000.00 for a Youth Service Bureau for the fiscal period commencing July 1, 2004.

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

The communication was received on the consent calendar and the resolution adopted.

3 – RESOLUTION – Bioterrorism Response Preparedness Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Department of Public Health has made grant funds available to local health departments to provide for the development of local and regional Public Health Preparedness and Response plans concerning bioterrorism, the exercise of related drills, the development of local communication resources, and the training of local health department staff, for the period of August 31, 2003 through August 30, 2004; and

WHEREAS, for the time period of August 31, 2003 through August 30, 2004, grant funds not to exceed \$84,543.00, requiring no local match, will be made available to the Danbury Health and Housing Department for a Bioterrorism Public Health Preparedness and Response Grant; and

WHEREAS, the Danbury Health and Housing Department will provide the planning, drills, communication, resources, and training services called for in the Grant.

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

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof, which do not require expenditure of City funds, with the

Connecticut Department of Public Health regarding said grant, and to take all actions necessary to accomplish the purposes of said grant.

The communication was received on the Consent Calendar and the Resolution adopted.

4 – RESOLUTION – Recreational Trails Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is directing an effort to create a multi-municipal Greenway, known as the Ives Trail, that would connect Tarrywile park, Wooster Mountain State park and open space areas in the Towns of Bethel and Ridgefield; and

WHEREAS, Mark D. Boughton, Mayor of the City of Danbury, has appointed the “Ives Trail Task Force” to direct the effort toward creating the Ives Trail; and

WHEREAS, the Ives Trail Task Force has identified the opportunity to create two subsections of the trail that would be dedicated to Danbury’s native composer Charles Ives; and

WHEREAS, the creation of these two sections of the trail would require funding for trail surfacing, educational signs and audio display boards of the music of Charles Ives; and

WHEREAS, the Connecticut Department of Environmental Protection is soliciting proposals from municipalities for development of passive recreation trails, by its February 15, 2004 deadline.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Danbury authorizes the application for up to \$30,000 of funding to the Connecticut Department of Environmental Protection’s recreational Trails Grant program and authorizes the Mayor to enter into a contract with the State of Connecticut for the use and administration of these funds, if awarded.

The communication was received on the Consent Calendar and the resolution adopted.

5 – RESOLUTION – FEMA Funds – Homeless Shelter

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

WHEREAS, the Federal Emergency Management Agency (FEMA) has awarded \$1,000.00 to Danbury’s Homeless Shelter for the purchase of supplies; and

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

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

The communication was received on the Consent Calendar and the resolution adopted.

6 – RESOLUTION – Acquisition of Storm Drainage Easements on Shore Road

Mr. Nolan asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the property owner. Mayor Boughton so ordered and appointed Council Members Cavo, Calandrino and Saadi to the committee.

7 – COMMUNICATION – Appointments to the Fire Department

Letter from Mayor Boughton requesting confirmation of the appointment of David P. Kirkwood as Lieutenant in the Fire Department and the appointment of James D. Doran as Dispatcher in the Fire Department.

Ms. Stanley made a motion to receive the communication and confirm the appointment of David P. Kirkwood as Lieutenant in the Fire Department. Seconded by Mr. Urice.

Motion carried unanimously. Ms. McMahon made a motion to confirm the appointment of James D. Doran as Dispatcher in the Fire Department. Seconded by Mr. Visconti. Motion carried unanimously.

8 – COMMUNICATION – Appointment as Assistant Animal Control Officer

Letter from Mayor Boughton requesting confirmation of the appointment of Craig Simone as Assistant Animal Control Officer.

Mr. Seabury made a motion to receive the communication and confirm the appointment of Craig Simone as the Assistant Animal Control Officer. Seconded by Mrs. Basso. Motion carried unanimously.

9 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Boughton requesting confirmation of the appointment of Keith Leggiadro as a police officer in the Danbury Police Department.

Mr. Urice made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Reappointments to the Commission on Aging

Letter from Mayor Boughton requesting confirmation of the reappointments to the Commission on Aging for Thomas Quinn and Seth Sanford for terms to expire October 1, 2005, James Derwin and Sharon Kelly for terms to expire October 1, 2006 and John Dzurik for a term to expire October 1, 2004 and the reappointment of Helen Miller as a alternate member for a term to expire October 1, 2004.

The reappointments were confirmed on the Consent Calendar.

11 – COMMUNICATION – Appointments as Youth Advisors to the Youth Commission

Letter from Mayor Boughton requesting confirmation of the appointments of Jason Caloras, Nyron Crawford, Lindsay Damici, Bindiya Patel, Leah Dvorkin, Samantha Vazquez, and Edward Simao as Youth Advisors to the Youth Commission. The appointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Appointment of Government Entities Review and Evaluation Committee

Letter from Mayor Mark Boughton requesting confirmation of Council Members Pauline Basso, Louise McMahon and Kevin Barry and Public Members Mark Chory and Alan Boyce to the Governmental Entities Review and Evaluation Committee. The appointments were confirmed on the Consent Calendar.

13 – COMMUNICATION – Donations to the Youth Commission

Letter from Robert C. Melillo requesting permission to accept donations from the Amber Room, Domino's Pizza and A & P Super Foodmart for a Youth Town Forum to be held February 19-20, 2004. Ms. Payton made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Blight Busters Program

Letter from Mayor Mark D. Boughton requesting permission to accept professional services for the design, production and installation of graphics for the Blight Busters Program from Robert McNiff of RJM Group. Mr. Steinerd made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Urice. Motion carried unanimously.

15 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation in the amount of \$500 from J. P. Maguire Associates to assist the fire marshals in attending a Spring 2004 conference. Mr. Nagarsheth 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.

16 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Susan Tomanio Turner requesting permission to accept donations in the total amount of \$625.00 for use by the Danbury Senior Center. Mr. Cavo made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Ives Trail

Letter from Coordinator of Environmental & Occupational Health Services requesting permission to accept a donation in the amount of \$20,000 from the Housatonic Valley Council of Elected Officials for the purpose of assisting the Ives Trail Task Force. Mr. Bingaman made a motion to receive the communication, accept the donation, and send a letter of thanks. Seconded by Mr. Seabury. Motion carried unanimously.

18 – COMMUNICATION & CERTIFICATION – Public Buildings Budget

Request from William Buckley requesting funds in the amount of \$101,000 to be transferred to Public Buildings Department due to the severe winter. The funds are needed due to efforts in regard to snow removal at the various schools and public buildings that the City is responsible for. A certification of funds was attached.

The communication was received and the transfer of funds authorized on the Consent Calendar.

19 – COMMUNICATION & CERTIFICATION – Snow Removal Budget

Request from Director of Public Works William Buckley requesting funds in the amount of \$134,000 to replenish overtime salaries, leased equipment and blades & chains as a result of the severe winter. A certification of funds was attached.

The communication was received and the transfer of funds authorized on the Consent Calendar.

20 – COMMUNICATION – Tarrywile Park Authority Master Plan

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

21 – COMMUNICATION – Request for Sewer Extension – 6 Hollandale Road

Mr. Cavo 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 Trombetta, Burns and Barry to the committee.

22 – COMMUNICATION – Report from Police Chief regarding Main Street

Report from Chief Paquette recommending that a “right turn only” sign be posted at the edge of the driveway onto Main Street. Regarding Kimberly Place he suggested four ways to improve an operator visibility. However, the Chief pointed out that Main Street is a State Highway and under supervision of the state.

Mr. Seabury made a motion to receive the report and request that the Chief follow up with the DOT to conduct a study. Seconded by Ms. Saracino. Motion carried unanimously.

23 – REPORT & ORDINANCE – An Ordinance Amending An Ordinance Appropriating \$500,000 for Public Improvements in the 2003-2004 Capital Budget

Mrs. Basso submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 26, 2004 in the Common Council Chambers.

Ms. Saracino made a motion to recommend adoption of the ordinance amending an ordinance appropriating \$500,000 for public improvements in the 2003-2004 Capital Budget and authorizing the issuance of \$500,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose. Seconded by Mr. Bingaman. Motion carried unanimously.

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$500,000 FOR PUBLIC IMPROVEMENTS IN THE 2003-2004 CAPITAL BUDGET AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

Section 1. Section 1 of the ordinance entitled "An Ordinance Appropriating \$500,000 For Public Improvements in the 2003-2004 Capital Budget And Authorizing the Issuance of \$500,000 Bonds of the City to meet said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings For Such Purpose" adopted by the City Council on May 6, 2003 (the "Ordinance") is hereby amended by:

- (i) reducing the appropriation for "Homeless Shelter Renovations" by \$83,500 from \$84,500 to \$1,000; and
- (ii) adding new appropriations for the following projects:

"Repair Heating at Mill Ridge Intermediate School - \$20,366
Replace Heating at Rogers Park Middle School Gym - \$30,000
Roof Repairs at Beaver Brook Administration Center - \$10,000, and
Police Headquarters Renovations - \$23,134"

Section 2. Section 6 of the Ordinance shall be applicable to the appropriations added by this amendment as of the date of adoption of such amendment.

The Report was received on the Consent Calendar and the Ordinance adopted.

24 – REPORT & RESOLUTION – Windaway Road II Sanitary Sewer Extensions

Mrs. Basso submitted the following report:

The Common Council met as a committee of the whole on January 26, 2004 in the Common Council Chambers.

Ms. Saracino made a motion that the final assessments for the Windaway Road II Sanitary Sewer Extension be approved. Seconded by Mr. Barry. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Windaway Road Phase II Sanitary Sewer; 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 sewerage 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 April 3, 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 sewer benefit assessments in connection with the Windaway Road Phase II Sanitary Sewer:

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 ONE THOUSAND ONE HUNDRED SIXTY FOUR and 30/100 (\$1,164.30) DOLLARS.
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.85 percent. 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 assessment shall be filed in the Town Clerk's Office on February 11, 2004. An appeal to the superior court from such assessment must be taken with 21 days of such filing.

The report was received on the Consent Calendar and the final assessments for the Windaway Road Sanitary Sewer Extensions adopted.

25 – REPORT – Request for Sewer Extension on Eagle Road

Mr. Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Eagle Road met on January 14, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Esposito, Saadi and Basso. Also in attendance were Director of Public Works William Buckley and Council Member Saracino, ex-officio.

Mr. Esposito noted that the Planning Commission had issued a positive recommendation. Mr. Buckley stated that this is the Eagle Pencil site. The existing building will be demolished. A home improvement center will be built on the site, as well as an extension to Loew's Theater. A small retail store will be build in front of the theater. He recommended approval subject to the required eight steps, as well as a ninth step addressing abandonment of existing water lines and easements.

Mr. Saadi made a motion to recommend approval of the request subject to the required eight steps, with a ninth step outlining abandonment of existing water and sewer lines and easements as determined by the City Engineer. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received on the Consent Calendar and the request for sewer and water extensions on Eagle Road, including the ninth step outlined by the committee for abandonment of existing lines and easements approved.

26 – REPORT – Olive Street and Tilden Road Sanitary Sewer Assessments

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 12, 2004 in City Hall.

Mr. Buckley explained that the assessments are based on four components: area, frontage, zoning and assessed value. The results of this survey were 13 in favor, 7 opposed and 7 did not respond. Ms. Diorio explained the financing process.

Mr. Saadi made a motion to recommend that the department be authorized to proceed with the project. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received on the Consent Calendar and the Public Works Department authorized to move forward with the project.

27 – REPORT – Backus Avenue Preliminary Sewer Assessments

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following the above public hearing on January 12, 2004 in the Common Council Chambers.

Mr. Buckley noted that the survey showed eight in favor and 3 opposed. Mr. Buckley explained the history of the request. Mr. Nolan asked if there are any health concerns and Mr. Buckley said he does not believe there are any outstanding orders.

Mr. Saadi made a motion to recommend to the Common Council that the department be authorized to proceed with this project. Seconded by Ms. Saracino. The motion carried with Council Members Burns, Visconti, Urice, Nolan and Nagarsheth voting in the negative.

Mr. Seabury made a motion to receive the report and authorize the Public Works Department to move forward with the project. Seconded by Ms. Payton. Motion carried with Council Members Visconti, Nolan and Nagarsheth voting in the negative.

28 – REPORT – Carolyn Avenue and Nancy Drive Area Sewer Assessments

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 12, 2004 in the Common Council Chambers.

Mr. Buckley explained that no assessment would be levied against the farmland. Mr. Buckley explained that the Rockwell Road project was a state project in response to a comment during the public hearing. Mr. Buckley explained that Elizabeth and Albers Roads were not included in the original petition. They were included because the project was going right by. The two houses on the corner of Elizabeth Road would have to be included. The survey was eight no and one yes on Elizabeth. A discussion followed on the cost of hookup and connection fees.

Mr. Saadi made a motion to recommend that the Common Council authorize the department to proceed with the project. Seconded by Mr. Cavo. Ms. Saracino offered an amendment to remove Elizabeth Road and Albers Road from the project, Seconded by Mr. Urice. Motion to amend, carried with Mr. Esposito voting in the negative.

Main motion, as amended, carried unanimously.

Mr. Steinerd made a motion to receive the report and authorize the Public Works Department to move forward with the program. Seconded by Mr. Visconti. Motion carried unanimously.

29 – REPORT – Iraqi Township Program

Mr. Riley submitted the following report:

The Common Council Committee appointed to review the Iraqi Township Program met on January 20, 2004 at 6:00 P.M. in the Third Floor Caucus Room. In attendance were committee members Riley, Calandrino and Esposito. Also in attendance were Mayor Mark Boughton, Theresa and Emile Buzaid, Council Members Urice, Seabury, Barry, Teicholz, McMahon, Basso and Saracino, ex-officio and members of the public.

Mr. Riley stated that the charge of the committee was to review an Iraqi Township Program. He stated that this idea originated with Mr. and Mrs. Buzaid's son, Emile III and this humanitarian effort is admirable. Precedent was set so that you could give humanitarian help even at a time when conflict was going on at the end of World War II when the remaining Nazi were not giving up their arms and fighting as insurgents even after the army had surrendered. There are major veterans organizations in town that may be happy to see if we can align veterans groups or other organizations to begin work on this noble cause.

Mr. Buzaid said that his son's battalion had left and is now in Ur. Mr. Riley said that perhaps we could send a letter of accomplishment congratulating the battalion for its efforts. Mr. Calandrino asked what other units are in that town and we should find out who the new commander is and go from there. Mr. Esposito said that since we do not have a contact person, it is a moot point. Mayor Boughton suggested that his office contact the 101st Airborne Outreach Office and ask to be directed to a needy village in the name of Captain Buzaid and send a letter from his office.

Mr. Esposito made a motion to recommend that the Mayor's Office contact the 101st Airborne Outreach Office directly. Seconded by Mr. Calandrino. Motion carried unanimously.

Mrs. Basso made a motion to receive the report and adopt its recommendations. Seconded by Mr. Esposito. Motion carried unanimously.

30 – REPORT – Bear Mountain Cottage Lease

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the Bear Mountain Cottage Lease met on January 20, 2004 in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi, Basso and Trombetta. Also in attendance were Deputy Corporation Counsel Eric Gottschalk and Director of Parks and Recreation Robert Ryerson.

Mr. Saadi stated that charge of the committee was to review the Bear Mountain Cottage lease and certain lease issues in general. Mr. Saadi asked Attorney Gottschalk if it would be appropriate to change the licensing agreement for the Bear Mountain Cottage to a lease agreement to conform to all other property leases. Attorney Gottschalk said it could not be done because the Federal governmental granted the Bear Mountain property to the City with an understanding that it would not be leased. They determined that it should be called a licensing agreement.

Attorney Gottschalk said that the last license was with Mark Williams from the Police Department. He requested the opportunity to leave due to changes in his personal life. Officer McColgan is now in the cottage on a month-to-month tenancy, although nothing has been signed. The license agreement was to have been for three years. Officer McColgan is there until January 31, 2004. Mr. Saadi asked if there is any objection to having a license of a shorter duration? No one objected. Mr. Ryerson recommended that a public safety officer be given preference. Mr. Trombetta asked if a fire official could be considered and Mr. Ryerson said yes.

Mr. Saadi suggested that the current licensing agreement remain, except that it be made a one-year agreement with the current tenant given the option to renew. The concern is that a standard procedure be followed no matter what the reason for the vacancy. Mr. Saadi said he would like a list of all those who apply to be attached to the agreement when it comes before the Common Council.

Mr. Saadi said he would entertain a motion to make the license agreement in effect for one year, with the current tenant given the option to renew; the Personnel Department shall post notice of the availability of City owned dwellings for rent via e-mail and hard copy to all City employees no less than seven days prior to the deadline for submission of rental applications; the Personnel Department shall give preference to public safety personnel when licensing the Bear Mountain Cottage and all leases submitted to the Common Council shall include a document setting forth the names of all persons, in addition to the recommended lessee, that submitted applications pursuant to the required notice. Mrs. Basso so moved. The motion was seconded by Mr. Trombetta and passed unanimously.

The report was received on the Consent Calendar and the licensing agreement for the Bear Mountain Cottage as proposed was approved.

31 – REPORT & ORDINANCE – Blight Ordinance

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 12, 2004 in the Common Council Chambers.

Mr. Saadi read the report. Mrs. Basso made a motion to receive the report and adopt the ordinance. Seconded by Mr. Visconti. Mr. Saadi offered the following amendment, seconded by Ms. Saracino:

(f) For purposes of this subsection, the term "new buyer or purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the City in the remediation application specified in subsection (d) hereof, and may not include immediate family members or the prior owner (including but not limited to spouses, children, siblings or parents) or sham transfers. The City shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the Common Council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

Blight Inspector Larry Miguel stated that he does not think this is a good ordinance. There are outstanding fines of over \$20,000. Mr. Saadi stated that his amendment defines what a new buyer or purchaser is. Mr. Calandrino asked if the individuals that own blighted properties are tax delinquents as a rule. Ms. Diorio said she did not have that information. Mr. Miguel said several owners are behind on taxes. Mr. Nolan stated that this ordinance was initiated by the Mayor's Office last year. It is a tool for neighborhood revitalization.

After further discussion, Mr. Visconti moved the question. Seconded by Mr. Saadi. Motion carried unanimously. The amendment carried with the members voting as follows:

Yes – Calandrino, Saadi, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Teicholz, Nagarsheth

No – McMahan, Burns, Trombetta, Barry, Visconti, Steinerd, Payton, Riley, Stanley

10 Yes – 9 No

Mrs. Payton stated that if someone owes, they should pay. There is no guarantee that these properties can be sold. Mr. Cavo asked if the City every stops fining a property? Mr. Miguel stated that once the fine is imposed it is never lifted. Mrs. Saracino noted that there is an application process that gives some measure of control over who we grant this waiver to. Mr. Barry said the purpose is to see what would effectuate the remediation of the property quickly. Mr. Urice said this gives away a lot of tax money.

Mr. Cavo moved the question. Seconded by Mrs. Saracino. Motion carried unanimously. Main motion, as amended, carried with members voting as follows:

Yes – Calandrino, Saadi, Barry, Esposito, Nolan, Saracino, Cavo, Teicholz, Nagarsheth, Stanley

No – McMahon, Burns, Trombetta, Visconti, Steinerd, Urice, Basso, Payton, Riley

10 Yes – 9 No

Be it ordained by the Common Council of the City of Danbury:

Sec. 10-86. Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.

(a) In accordance with authority set forth in Connecticut General Statutes section 7-148(c)(7)(H) as may be amended from time to time, a fine of one hundred (\$100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 10-85 hereof.

(b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.

(c) In accordance with authority set forth in Connecticut General Statutes section 7-148aa, may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

(d) As an incentive toward the full remediation of residential property designated blighted by the blight inspector, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur within six months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owned occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the blight inspector.

(e) In addition to the incentive proposed in subsection (d) hereof, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in City of Danbury Ordinance section 18-25, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said Ordinance Section 18-25.

(f) For purposes of this subsection, the term "new buyer" or "purchaser" shall mean an individual(s) or entity that shall have purchased the premises pursuant to an arms length transaction, verified to the satisfaction of the City in the remediation application specified in subsection (d) hereof and may not include immediate family members of the prior owner (including, but not limited to spouses, children, siblings or parents) or sham transfers. The City shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the Common Council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury.

18-25. Deferral of assessment increase attributable to construction or improvements.

(b)(1)The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, office, manufacturing, or for warehouse, storage or distribution use or, if the real property is located within the Downtown Redevelopment Area, the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, office, manufacturing, retail, or for warehouse, storage or distribution use.

(d)(2) For proposed construction or improvements to permanent residential use property, which property has been designated blighted pursuant to Sec. 10-81 et. seq. of this Code, which value not less than twenty five thousand dollars (\$25,000.00) not more than fifty (50%) percent of such increased assessment may be deferred for a period of not more than three (3) years.

Ms. Saracino made a motion to receive the report and adopt the Ordinance. Seconded by Mr. Bingaman. Motion carried with Council Members Trombetta, Visconti, Urice, Steinerd and Payton voting in the negative.

32 – COMMUNICATION – Pending Litigation

Mr. Nolan made a motion to move this to the end of the agenda. Seconded by Mrs. Basso. Motion carried unanimously.

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

Mr. Nolan made a motion to receive the department report 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.

34 – Mr. Nolan made a motion to add item 34, resolution concerning the casino. Seconded by Mr. Cavo. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, in December of 2001 in response to published reports, the City of Danbury announced its firm opposition to the possible construction of a casino in Danbury; and

WHEREAS, since that time the City of Danbury has led a consortium of area municipalities opposed to the creation of a casino anywhere within the region; and,

WHEREAS, the tribal acknowledgement decision announced by the Bureau of Indian Affairs on January 29, 2004 has heightened the possibility that a casino may be constructed in the area; and,

WHEREAS, casinos generate increased traffic congestion and criminal activity overburdening police and fire protection and increasing demands upon social service providers; and,

WHEREAS, under federal law once land has been taken into trust, casinos can be constructed without regard to local land use, zoning, environmental, health and safety, labor and other state and local rules and regulations; and,

WHEREAS, the construction of a casino within the city or the region, threatens the economic and social environment of the city and is therefore incompatible with the best interests of its resident.

NOW, THEREFORE, BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY OF DANBURY and the Boughton Administration remain unalterably opposed to the

construction of a casino within the City of Danbury or anywhere in the Danbury area and will actively oppose the creation of such a facility.

Mr. Nolan made a motion to receive the communication and adopt the resolution. Seconded by Mr. Bingaman. After discussion, Ms. Saracino moved the question. Seconded by Mrs. Basso. Motion carried with Council Members Saadi, Barry and Visconti voting in the negative.

Main motion carried unanimously.

At 8:25 P.M. Mr. Nolan made a motion to enter into executive session to discuss item 32. Seconded by Ms. Saracino. Motion carried unanimously.

At 8:52 P.M. the Common Council reconvened in open session. In attendance at the executive session, in addition to the Common Council Members, were Mayor Mark Boughton, Corporation Counsel Robert Yamin, Deputy Corporation Counsel Eric Gottschalk, Assistant Corporation Counsel Les Pinter, Director of Finance Dena Diorio and Director of Public Works William Buckley.

Mr. Saadi made a motion to authorize Mayor Boughton and the Corporation Counsel to execute all necessary documents as outlined in executive session. 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 by Mr. Barry at 8:54 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor