

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

RE: Minutes of the Common Council Meeting held March 2, 2004

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

PRESENT – McMahon, Burns, Trombetta, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Teicholz, Nagarsheth, Seabury

ABSENT – Calandrino, Bingaman, Payton, Riley, Stanley

16 PRESENT – 5 ABSENT

Mr. Calandrino was out of State, Mr. Bingaman had a business commitment, Mrs. Payton and Mr. Riley were ill.

PUBLIC SPEAKING

Margaret Mitchell, 2 Park Place – spoke regarding item 7. Thanked everyone for their efforts on the East Ditch Project.

Jack Layda, 1 Candlewood Drive – is in favor of item 12, the Clean City Danbury

John Koschel, 1 Ta'Agan Point Road – supports item 12, there is a need for a place to put brush.

Thomas Ball, 6 Candlewood Drive – supports item 12, Clean City Danbury

MINUTES – Minutes of the Common Council Meeting held February 3, 2004. Mr. Nolan made a motion to approve the minutes as submitted and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Cavo. Motion carried unanimously.

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

2 – Receive the communication and adopt the Resolution to accept grant funding from the State of Connecticut for the purchase of DUI enforcement vehicles.

5 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the U. S. Conference of Mayors and DuPont *Spotlight on Excellence Awards* program for lead safety outreach programming.

6 – Receive the communication and adopt the Resolution which reaffirms the City's application for funding from the State of Connecticut Department of Environmental Protection for the purpose of studying nitrogen discharge levels from the water pollution control plant.

7 – Receive the communication and adopt the Resolution authorizing the Corporation's Counsel office to take the necessary action to acquire the easements outlined in the communication pertaining to the East Ditch storm drainage easement.

8 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute the updated Personal Services Agreement outlined in the communication, for the purpose of continuing the noise abatement study pertaining to the Wooster Mountain Shooting Range.

10 – Receive the communication and confirm the appointment of James DePaoli and Ashley Harvey as Youth Advisors to the Danbury Youth Commission.

11 – Receive the communication and confirm the reappointment of Chad Sinanian as a member of the Commission for Persons with Disabilities.

17 – Receive the communication and authorize the Purchasing Agent to dispose of the vehicles and equipment outlined in the communication to the highest bidder.

23 – Receive the report and approve the request for water extension on Oak Ridge Avenue, subject to the required eight steps as recommended by the committee.

Mrs. Saracino made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Seabury. Motion carried unanimously.

(At 7:45 P.M. Ms. Stanley arrived and was marked present)

1 – RESOLUTION – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN
SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING
JULY 1, 2004 and ENDING JUNE 30, 2005

SECTION 1. The sum of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800.00) represents the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Five Thousand Eight Hundred Dollars (\$135,800.00) for the fiscal year beginning July 1, 2004 and ending June 30, 2005, minus indirect revenues of \$ -0-, and minus estimated available "Surplus" of \$ -0-, is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the new tax assessment dated October 1, 2003 based upon a total net assessment of \$77,996,590.00.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 2004 and ending June 30, 2005 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.7411 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in quarterly equal installments on July 1, 2004, October 1, 2004, January 1, 2005 and April 1, 2005 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 2004, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning on July 1, 2004 and ending June 30, 2005.

Mr. Nolan made a motion to receive the communication and approve the resolution. Seconded by Mr. Nagarsheth. Motion carried with Mr. Barry abstaining.

2 – RESOLUTION – DUI Enforcement Vehicle Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Transportation, has made grant funds available to the City of Danbury for DUI enforcement; and

WHEREAS, the funding will cover 80% of the full cost of fully equipped DUI enforcement vehicle (\$36,850.00); and

WHEREAS, the City of Danbury is eligible to receive funds of approximately \$29,480.00; and

WHEREAS, the City of Danbury is required to provide 20% of the cost of the enforcement vehicles, or \$7,370.00.

NOW THEREFORE, BE IT RESOLVED that Mark D. Boughton, as Mayor of the City of Danbury, be and is hereby authorized to make application for said grant and to execute such other and necessary documents as may be necessary to effectuate the purposes of said grant application and the receipt of such grant.

The Communication was received on the Consent Calendar and the resolution to accept grant funding from the State of Connecticut for the purchase of DUI enforcement vehicles adopted.

3 – RESOLUTION – Redevelopment Parcel 9

Mr. Urice asked that this be referred to an ad hoc committee, the Corporation Counsel, a representative of the Redevelopment Agency, the Director of Finance, the Coordinator of Environmental Services and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Nagarsheth, Saracino and Saadi to the committee.

4 – RESOLUTION – EPA Grant – Mallory Hat Factory

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the former Mallory Hat Factory property on Rose Hill Avenue, owned by the City through foreclosure, is limited from resale due to levels of contamination in the soils that resulted from past industrial operations; and

WHEREAS, a detailed environmental assessment and Remediation Design conducted for the City by Marin Environmental Inc. has developed Phase I and Phase II Environmental Assessment Reports; and

WHEREAS, the Environmental Protection Agency (EPA) is offering funds for clean up of Brownfield properties through the Brownfield Clean-up grant program, offering up to \$200,000.00 with a 20% City match; and

WHEREAS, the City of Danbury will be providing the 20% cash match for this project if awarded the grant.

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Danbury Health Department to apply to the Environmental Protection Agency (EPA) for a Brownfield clean-up grant for \$200,000.00, and to authorize the Mayor to accept such funds, if awarded, and enter into any contractual agreements with the EPA that would allow the execution of said grant.

Mr. Seabury made a motion to receive the communication and adopt the resolution authorizing the Danbury Health Department to apply to the Environmental Protection Agency for a Brownfield clean-up grant for \$200,000 and to authorize the Mayor to accept such funds, if awarded, and to enter into any contractual agreements with the EPA that would allow the execution of said grant. Seconded by Mrs. Basso. Motion carried unanimously.

5 – RESOLUTION – Lead Safety Outreach Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Conference of Mayors and DuPont are sponsoring a Spotlight on Excellence Awards program, focusing on lead safety educational outreach campaigns; and

WHEREAS, three cities that propose outstanding approaches to educate their communities on the importance of lead safety will be chosen for an award ranging from \$20,000.00 to \$35,000.00 without City matching funds; and

WHEREAS, any award funding obtained is proposed to be leveraged into the LAMPP (Connecticut Lead Action Medicaid Primary Prevention) consortium of State agencies and other municipalities formed to conduct lead education, hazard analysis and lead hazard prevention and abatement.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton or his designee, Director of Health William Campbell be and hereby is authorized to submit said application for award(s) and to take such and additional steps as may be necessary to accomplish the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the U. S. Conference of Mayors and DuPont Spotlight on Excellence Program for lead safety outreach programming adopted.

6 – RESOLUTION – Nitrogen Removal, Water Pollution Control Plant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, a study of the discharge of nitrogen by the Water Pollution Control Plant is desired; and

WHEREAS, the cost of the nitrogen study is \$40,000.00; and

WHEREAS, the State of Connecticut Department of Environmental Protection has grant funds available to the City of Danbury for use in studying the discharge of nitrogen from the Water Pollution Control Plant; and

WHEREAS, the City of Danbury is eligible to receive grant funds of up to 55% of the cost of the study.

NOW, THEREFORE, BE IT RESOLVED that \$40,000.00 is appropriated to perform the nitrogen study, and Mark D. Boughton, as Mayor of the City of Danbury, is hereby authorized to execute and file applications, contracts and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for state grants pursuant to the provisions of Section 22a-475 through 483 of the General Statutes of Connecticut, as amended, and to execute on behalf of the City of Danbury all the applications, instruments, contracts and documents and accept payments and do all other things that may be necessary for state grants and loans.

The communication was received on the Consent Calendar and the resolution, which affirms the City's application for funding from the State of Connecticut Department of Environmental Protection for the purpose of studying nitrogen discharge levels from the water pollution control plant adopted.

7 – RESOLUTION – East Ditch Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, as one phase to said proposed improvements, the City will have to obtain eight (8) easements from property owners in order to accomplish project goals; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D, E, F, G and H attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution

of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by September 2, 2004.

The communication was received on the Consent Calendar and the resolution authorizing the Corporation Counsel's Office to take the necessary action to acquire the easements outlined in the communication pertaining to the East Ditch storm drainage easement approved.

The communication was received on the Consent Calendar and the resolution authorizing the Corporation Counsel's Office to take necessary action to acquire the easements outlined in the communication pertaining to the East Ditch storm drainage easements adopted.

8 – RESOLUTION – Wooster Mountain Shooting Range Noise Abatement Study

RESOLVED by the Common Council of the City of Danbury:

Wooster Mountain Shooting Range Abatement Study
City Project No. 01-12

WHEREAS, the State of Connecticut Department of Environmental Protection, Bureau of Natural Resources in 2001 authorized a grant in the amount of \$45,000.00 for a noise abatement study surrounding the Wooster Mountain Shooting Range; and

WHEREAS, the City of Danbury, by it then Mayor Gene F. Eriquez, executed a Personal Services Agreement ("PSA") in 2001 in order to be able to commission said study with the funding provided; and

WHEREAS, because the study could not be completed within the specified time, an extension of said PSA was executed by Mayor Mark D. Boughton on February 11, 2003 through and including 12/31/03; and

WHEREAS, it is necessary that the time for completion of the study be again extended through 12/31/04 as permitted by the CTDEP, and a renewal of said grant to be obtained and authorized.

NOW, THEREFORE, BE IT RESOLVED that Mayor Mark. D. Boughton be and hereby is authorized to execute, on behalf of the City of Danbury, a "Grant Renewal" Personal Services Agreement with the State of Connecticut DEP in order to extend the provisions of the original PSA through 12/31/04 in accordance with the terms set forth in the revised PSA.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute the updated Personal Services Agreement outlined in the communication, for the purpose of continuing the noise abatement study pertaining to the Wooster Mountain Shooting Range adopted.

9 – COMMUNICATION – Promotions within the Danbury Police Department

Letter from Mayor Boughton requesting confirmation of the promotions of Police Officer James Lalli to the rank of Detective, Police Officer Robert Ehrhard to the rank of Detective and Police Officer Ethan Mable to the rank of Detective within the Danbury Police Department.

Mrs. Teicholz made a motion to receive the communication and confirm the promotion of James Lalli to the rank of Detective. Seconded by Mr. Barry. Motion carried unanimously.

Mr. Trombetta made a motion to confirm the promotion of Robert Ehrhard to the rank of Detective within the Danbury Police Department. Seconded by Mr. Urice. Motion carried unanimously.

Mrs. McMahon made a motion to confirm the promotion of Ethan Mable to the rank of Detective within the Danbury Police Department. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Appointment as Youth Advisors to the Youth Commission

Letter from Mayor Mark Boughton requesting confirmation of James DePaoli and Ashley Harvey as Youth Advisors to the Danbury Youth Commission. The communication was received on the Consent Calendar and the appointments confirmed.

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

Letter from Mayor Boughton requesting confirmation of the reappointment of Chad Sinanian to the Commission on Persons with Disabilities for a term to expire March 1, 2007. The communication was received on the Consent Calendar and the reappointment confirmed.

12 – COMMUNICATION – “Clean City Danbury”

Mr. Cavo asked that this be referred to an ad hoc committee, the Director of Public Works and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Cavo, Basso and Esposito to the committee.

13 – COMMUNICATION – Donation to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept a donation from the Savings Bank of Danbury in the amount of \$200 for the specific purpose of purchasing an American Flag. Mr. Steinerd made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Visconti. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Fire Department

Letter from Deputy Fire Chief Philip D. Curran requesting permission to accept a donation in the amount of \$500 from Connecticut Fair Plan for the purpose of purchasing a digital camera. 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.

15 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation from the Cultural Commission in the amount of \$600. 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 Ms. Saracino. Motion carried unanimously.

16 – COMMUNICATION – Donations to the Welfare Department

Letter from Director of Welfare Deborah MacKenzie detailing the donations made to her department of volunteer hours and merchandize to the homeless shelter. Mr. Visconti made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mr. Seabury. Motion carried unanimously.

17 – COMMUNICATION – Disposal of Surplus Vehicles & Equipment

Letter from Purchasing Agent Charles Volpe requesting permission to sell surplus vehicles and equipment to the highest bidders pursuant to Section 2-153 of the Code of Ordinances. The communication was received on the Consent Calendar and the Purchasing Agent authorized to dispose of the vehicles and equipment outlined in the communication to the highest bidder.

18 – COMMUNICATION – Report regarding Request to Purchase City Land on Terrace Street

Mr. Urice asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel, the Tax Assessor, and the Board of Education. Mayor

Boughton so ordered and appointed Council Members Cavo, Stanley and Visconti to the committee.

19 – COMMUNICATION – Road Widening Parcel and Sidewalk Easement – 146 South Street

Ms. Stanley asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Seabury, Barry and Visconti to the committee.

20 – COMMUNICATION – Offer to Donate Land to the City – Westville Estates

Mr. Cavo asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel, the Tax Collector, the Director of Finance and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Nolan, Basso and Esposito to the committee.

21 – COMMUNICATION – Request for Sewer and Water Extensions – Scuppo Road

Mrs. Teicholz 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 Bingaman, Teicholz and Barry to the committee.

22 – COMMUNICATION – Request for Sewer Extension – 15 Plumtrees Road

Mr. Saadi 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 Burns, Saadi and Esposito to the committee.

23 – REPORT – Request for Water Extension – Oak Ridge Avenue

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review the request for water extension on Oak Ridge Avenue met on February 23, 2004 at 7:45 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saracino, Burns and Visconti. Also in attendance were Director of Public Works William Buckley, Len Morse from Covenant Construction and Council Members Basso, Cavo, Nolan, Esposito, Teicholz and Nagarsheth, ex-officio.

Ms. Saracino noted the positive recommendation from the Planning Commission. Mr. Buckley pointed out the project on a site map showing the water extension from Concord Road to Oak Ridge Avenue. This property is in West Terrace in the high service area. He estimates that the extension will be approximately 200 feet, but might prove to be 100 feet when the petitioner does his test holes in the spring. Mr. Buckley would recommend approval subject to the required eight steps.

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

The report was received on the Consent Calendar and the request for water extension on Oak Ridge Avenue approved subject to the required eight steps as recommended by the committee.

24 – REPORT & RESOLUTION – Sewer and Water Projects Timetable

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review a timetable for sewer and water projects met on February 17, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Basso, Bingaman and Saadi. Also in attendance were Corporation Counsel Robert Yamin, Director of Public Works William Buckley and Council Members Teicholz, Cavo and Barry, ex-officio.

Mrs. Basso stated that the Mayor sent a letter to the Common Council asking for a five-year moratorium on all previously submitted sewer and water projects. Mrs. Basso asked Mr. Buckley for his input. Mr. Buckley said he would not object to doing this. Many of the projects are those the Common Council has seen before.

Mr. Saadi passed out a rough draft of a resolution addressing this issue. Although he feels the issue needs to be addressed, he feels that five years is too long. He would suggest two years. A special exception would have to be made for health and safety reasons or other good causes. The proposed resolution reads as follows:

1. Prohibit the filing of any application or petition for sewer and/or water extensions, subject to the assessment process, for any street which previously comprised or was part of any such extension application or petition rejected by the Common Council within the previous five years.
2. Establish a special exception for accepting any such application or petition for good cause on health, safety and/or overriding general welfare concerns as determined by the Common Council; and
3. This resolution shall not apply to any petitioning street which the majority or plurality of property owners voted in favor of proceeding with the assessment process pursuant to a survey of the City.
4. This resolution may be sunsetted after two years.

Mr. Saadi pointed out that in the Carolyn Avenue sewer project a few streets were added in. They came in overwhelmingly against it and the Common Council removed them. He wants to make sure that those that are added in are not rejected because they were part of another application. Mr. Buckley said he does not have a problem with that but it makes things complex. Attorney Yamin asked Mr. Saadi if he wanted to adopt specific language? Mr. Saadi said that the Corporation Counsel's Office should draft a resolution from his outline. The special exception would have to be based on a determination by the Common Council, but to get to that point, someone would have to submit a petition.

Mr. Saadi made a motion to direct the Corporation Counsel to prepare a resolution consistent with the language as outline above. Seconded by Mr. Bingaman.

Mr. Bingaman said that a three-year period might be too short to jump from one issue to the next. The original proposal was five years. The time period begins after the Common Council rejects the petition. Mr. Saadi said it is his opinion that five years is too long. Three years is long enough. The sunset provision is adequate.

Mr. Saadi offered an amendment to add a sunset provision of two years. Seconded by Mr. Bingaman. Motion carried unanimously.

Mr. Bingaman offered an amendment to add a five-year timetable rather than three years. Seconded by Mrs. Basso. Motion carried with committee members Basso and Bingaman voting in favor and Mr. Saadi opposed.

The main motion, as amended, carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it has been the experience of the City that from time-to-time petitions for sewer and/or water extensions have been filed with the City with respect to projects for which such petitions have recently been duly processed and considered and disapproved; and

WHEREAS, the procedures for considering such petitions are necessarily time-consuming and complex and consume considerable resources of the City departments and agencies involved therein, such that it would be imprudent to allow the re-filing of an essentially identical petition soon after the disapproval of said petition; and

WHEREAS, the Common Council now wishes to address the aforementioned problem of duplication in order to increase fairness and efficiency in the petitioning process.

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council hereby establishes the following rules and procedures regarding the timing of re-application petitions:

1. No application/petition for sewer and/or water extension subject to the assessment process shall be accepted with respect to any essentially identical application/petition filed and disapproved with the previous five (5) years. The Danbury Engineering Department shall review the application/petition and advise the Common Council as to whether or not any such repeat application/petition is in fact essentially identical to such previously filed application/petition, and the Common Council shall make the determination as to whether or not any such repeat application/petition is in fact essentially identical to such previously filed application/petition and the Council's determination shall be final and binding upon all parties. For purposes of determining the date of disapproval of any such previous filing, the effective date of such disapproval shall be the date of the vote of disapprovals by the Council.
2. Notwithstanding the above prohibition, for good cause shown based upon overriding considerations of health, safety or general welfare concerns there shall be a special exception to the above prohibition on multiple filings within the same 5-year period, for the acceptance of any such application/petition. The Common Council, in consultation with the Department of Health, and/or the Department of Engineering, and/or other appropriate City department or agency, shall determine if a particular application/petition shall be subject to this special exception, and the Common Council's determination as to whether or not such application/petition should be accepted for processing under this special exception shall be final and binding upon all parties. The department or agency relied upon by the Common Council in making any such particular determination of exception shall make and deliver written findings of such exigent circumstances to the Common Council.
3. This Resolution shall not apply to any application/petition as to which the majority or plurality of property owners voted in favor of proceeding with the assessment process pursuant to a survey initiated by the City rather than by said property owner.
4. Sunset Provision: This Resolution shall expire within two (2) years after the date of its approval by the Common Council, if not extended by the Common Council.

Mr. Saadi made a motion to receive the report and adopt the resolution. Seconded by Ms. Saracino. Motion carried unanimously.

25 – COMMUNICATION – Pending Litigation

Mr. Nolan made a motion to move this item to the end of the agenda for executive session. Seconded by Mr. Saadi. Motion carried unanimously.

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

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

At 8:10 P.M. Mr. Nolan made a motion to enter into executive session. Seconded by Mrs. Saracino. Motion carried unanimously. At 9:12 P.M. the Common Council reconvened in public session. Present at the executive session, in addition to the Common Council and the Mayor, were Deputy Corporation Counsel Eric Gottschalk, Director of Finance Dena Diorio, Director of Public Works William Buckley, Coordinator of Environmental Services Jack Kozuchowski, Assistant Corporation Counsel Les Pinter, Attorneys Robert Yamin and Dianne Yamin, Attorney Daniel Casagrande, Attorney Barry Fleishman and Attorney Kim Nolan.

25 – COMMUNICATION – Pending Litigation

Mr. Saadi made a motion to authorize Mayor Mark D. Boughton and the Corporation Counsel to process as outlined in the executive session regarding Accashin v. City of Danbury and City of Danbury v. Cirma and to execute all necessary documents. Seconded by Mr. Visconti. 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. Nolan at 9:15 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON, Mayor