

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

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

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, Trombetta, Calandrino, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Cavo, Teicholz, Nagarsheth, Payton, Riley, Seabury, Stanley

**ABSENT** – Burns, Saracino

18 Present – 2 Absent – 1 Vacancy

Mrs. Saracino was out of State on business

### **PUBLIC SPEAKING**

Mary Reynolds, Terrace Place – She is against the land swap at Tarrywile Park  
Richard Green, Karen Road – He is in favor of sewers on Karen Road

**MINUTES** – Minutes of the Common Council Meeting held May 4, 2004 and the Special Common Council Meeting held May 17, 2004. Mr. Nolan made a motion that the minutes be adopted as presented and the reading waived as all members have copies and are on file in the clerk's office for public inspection. Seconded by Mrs. Basso. Motion carried unanimously.

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

2 -- Receive the communication and adopt the resolution regarding the Community Development Block Grant Program – Program Year 3

3 – Receive the communication and adopt the resolution regarding the Farmers Market Coupon Grant

4 – Receive the communication adopt the resolutions regarding the Schools Improvement Projects

5 – Receive the communication and adopt the resolution regarding the acquisition of land on Miry Brook Road

6 – Receive the communication and adopt the resolution regarding the right to grade Circle Terrace and Old Shelter Rock Road

7 – Receive the communication and adopt the resolution regarding storm drainage easements on Moran Avenue

17 – Receive the communication and authorize the waiving of the normal competitive bidding process for site construction of the 9/11 Memorial

18 – Receive the communication and authorize the blanket acceptance of donations and the expenditure of the same funds in the construction of the 9/11 Memorial, subject to a detailed report being provided to the Common Council at its October meeting

20 – Receive the communication and authorize the transfer of funds to the Fire Department Special Services Account

23 – Receive the communication and authorize the transfer of funds to the Permit Center

24 – Receive the communication and authorize the transfer of funds for the State DOT invoices

- 25 – Receive the communication and authorize the transfer of funds to the Ambulance Fund
- 31 – Receive the report regarding odors at 44 Mabel Avenue and take no action at this time
- 32 – Receive the report regarding sanitary sewers for East Gate Road and authorize the Director of Public Works to begin the sewer assessment process
- 33 – Receive the report regarding the petition for acceptance of Wilkes Road and authorize the Director of Public Works to continue working on the road assessment process
- 35 – Receive the communication regarding the East Ditch Drainage Project and the Metro-North Railroad Agreement and authorize Mayor Mark D. Boughton to execute the proposed license agreement
- 36 – Receive the report regarding the request to purchase property on Robin Hood Road and adopt the committee's recommendation
- 37 – Receive the report regarding O & G Construction – Segar Street Bridge and adopt the committee's recommendation
- 39 – Receive the report regarding the amendment to the Recycling Solid Waste Operation Agreement and adopt the committee's recommendation
- 43 – Receive the report regarding the request for sewer and water extensions at 71-73 Boulevard Drive and adopt the committee's recommendation
- 44 – Receive the report regarding the request for sewer and water extensions at 1 Lyon Street and adopt the committee's recommendation
- 45 – Receive the report regarding Benson Drive and Union Circle Sanitary Sewer Extension and adopt the committee's recommendation
- 46 – Receive the report regarding the Independent Systems Operators of New England Load Response Program and adopt the committee's recommendation
- 47 – Receive the committee report regarding Tax Information Retrieval and Report and adopt the Ordinance
- 48 – Receive the committee report regarding the Neighborhood Assistance Act and adopt the resolution
- 49 – Receive the committee report regarding Fire Marshal Inspections – Fees for Inspection and adopt the Ordinance
- 50 – Receive the committee report regarding Public Building Use Policies and adopt the Ordinance
- 51 – Receive the committee report regarding the Sealer of Weights and Measures and adopt the Ordinances and Resolution
- 52 – Receive the committee report regarding land use application processing fees; subdivision; engineering and fire marshal review and adopt the Ordinance
- 53 – Receive the committee report regarding regulations governing outdoor fires and adopt the Ordinance
- 54 – Receive the committee report regarding citations and adopt the Ordinance
- 55 – Receive the committee report regarding the service charge imposed for checks returned for insufficient funds and adopt the Ordinance

56 – Receive the report regarding the request to connect to Payne Road Sewers in Bethel and adopt the committee’s recommendation

57 – Receive the report regarding the offer from Westville Estates to donate land to the City and adopt the committee’s recommendation

Mr. Nolan made a motion to adopt the Consent Calendar as read. Seconded by Mr. Cavo. Motion carried unanimously.

1 – COMMUNICATION – Resignation of Council Member J. Scott Bingaman

Letter from Scott Bingaman tendering his resignation from the Common Council effective May 14, 2004 as he has moved out of the district. Mrs. Basso made a motion to receive the communication and accept the resignation. Seconded by Mr. Seabury. Motion carried unanimously.

2 – RESOLUTION – Community Development Block Grant Program – Program Year 30

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title 1 of the Housing and Community Development Act of 1987, as amended, which authorized the Community Development Block Grant Program; and

WHEREAS, it is in the best interests of the City of Danbury to apply for a grant under such Act; and

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to approve and submit the City’s Consolidated Plan 2004-2009 and Annual Action Plan for PY30 and make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 2004 through July 31, 2005 for the Thirtieth Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor’s Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

The communication was received on the Consent Calendar and the resolution regarding the Community Development Block Grant Program – Program Year 3 adopted.

3 – RESOLUTION – Farmers Market Coupon Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury Women’s, Infants and Children’s Program (WIC) wishes to enter into an agreement with the State of Connecticut Department of Agriculture for funds in the amount of \$617.50 to be used for supplemental staffing during the Farmer’s Market Program; and

WHEREAS, said funds are to be used to administer the issuance of farmer’s market coupons to enable WIC participants to purchase fresh fruits and vegetables at the local Farmer’s Market during the summer of 2004; and

WHEREAS, the period for the availability of this grant is June 2004 through September 2004; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT, the Danbury WIC Office is authorized to sign an agreement with the State of Connecticut Department of Agriculture for this

amount and to do all things necessary to administer the 2004 summer Farmer's Market Coupon Program to its clients.

The communication was received on the Consent Calendar and the resolution regarding the Farmers Market Coupon Grant adopted.

4 – RESOLUTIONS – Schools Improvement Projects

RESOLVED by the Common Council of the City of Danbury:

**AUTHORIZING RESOLUTION**

Re: Rogers Park Middle School Additions and Renovations

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo, William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Rogers Park Middle School at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project.

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

**AUTHORIZING RESOLUTION**

Re: Selective Renovations and Upgrades at Other Schools

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo,

William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Selective Renovations and Upgrades at Other Schools at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project.

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

**AUTHORIZING RESOLUTION**

Re: Danbury High School – Existing Science Lab Improvements

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo, William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Danbury High School – Existing Science Lab Improvements at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project.

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

**AUTHORIZING RESOLUTION**

Re: Broadview Middle School Additions and Renovations

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo, William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Broadview Middle School Additions and Renovations at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project.

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

#### AUTHORIZING RESOLUTION

Re: Middle School Study – Preparation of Schematic Drawings

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo, William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Middle School Study – Preparation of Schematic Drawings at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project.

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

#### **AUTHORIZING RESOLUTION**

Re: Immanuel Lutheran School Renovations

WHEREAS, the City of Danbury Public School District has determined that renovations, additions, alterations and other improvements to school facilities are necessary and desirable; and

WHEREAS, the Danbury 21<sup>st</sup> Century Bond Issue approved by voters on March 2, 2004, authorized funding for certain schools project(s) identified herein; and

WHEREAS, in order to proceed with the steps necessary to accomplish these purposes and to comply with State mandated funding reimbursement guidelines and procedures, it is necessary that the following be approved:

NOW, THEREFORE, BE IT RESOLVED THAT the Common Council of the City of Danbury hereby establishes a building committee consisting of William Buckley, Jr., Patricia A. Ellsworth, Richard Palanzo, Robert Ryerson, Farid Khouri, Dena Diorio, George O'Loughlin, Bobby Poole, Eileen Alberts, Michael Fazio, Scott Ferguson, Anthony Paivo, William Murray, Mary Saracino, Fred Visconti, as the building committee with respect to the construction of Rogers Park Middle School pursuant to bond authorization approved by the voters of the City of Danbury on March 2, 2004, known as "21<sup>st</sup> Century Danbury"; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file grant applications "EDO 49" and related necessary documents for State reimbursement funding for Immanuel Lutheran School Renovations at 52.14%; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file a Federal Application SF-424 and related, necessary documents; and

BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes the Board of Education to prepare schematic drawings and outline specifications for the aforementioned project; and

BE IT FURTHER RESOLVED THAT such other and necessary actions directly related are hereby approved and authorized in order to accomplish the purposes hereof.

The communication was received on the Consent Calendar and the resolutions regarding the Schools Improvement Projects were adopted.

#### 5 – RESOLUTION – Acquisition of Land on Miry Brook Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury pursuant to prior approval granted by the Common Council on April 6, 2004, has applied for grant funding from the Federal Aviation Administration, which if approved will enable the City to acquire 10.7 acres of land on Miry Brook Road (Tax Assessor's lots #E19017, E19024-27, E19031-33 and T. C. 6262) to enhance airport safety;

WHEREAS, it will be necessary to acquire interest in and to the 10.7 acres of land as described in Schedule A attached hereto in order to proceed with the airport project; and

WHEREAS, the 10.7 acres of land will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire the 10.7 acres as set forth in Schedule A, so long as the City of Danbury obtains grant funding from the Federal Aviation Administration, on or before December 1, 2004, either by negotiation or eminent domain, through the institution of suit against the interested property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers, if any.

The communication was received on the Consent Calendar and the resolution regarding the acquisition of land on Miry Brook Road adopted.

6 – RESOLUTION – Right to Grade Circle Terrace and Old Shelter Rock Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to improve safety at the intersection of Circle Terrace and Old Shelter Rock Road by removing trees, re-grading the steep slope at the corner and generally addressing sight line problems; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in Schedule A attached hereto containing the legal description of the property involved; and

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

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

The communication was received on the Consent Calendar and the resolution regarding the right to grade Circle Terrace and Old Shelter Rock Road adopted.

7 – RESOLUTION – Moran Avenue – Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to correct drainage problems on Moran Avenue; and

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

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

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

The communication was received on the Consent Calendar and the resolution regarding storm drainage easements on Moran Avenue adopted.

8 – WITHDRAWN

9 – COMMUNICATION – Appointment of Highway Superintendent

Letter from Mayor Boughton requesting the confirmation of Wellington S. Hart to the position of Highway Superintendent. Mr. Cavo made a motion to receive the communication and confirm the appointment. Seconded by Mr. Urice. Motion carried unanimously.

10 – COMMUNICATION – Promotion to the Rank of Lieutenant

Letter from Mayor Mark Boughton requesting the confirmation of the promotion of Detective Sergeant James Fisher to the rank of Lieutenant within the Danbury Police Department. Mr. Barry made a motion that the communication be received and the promotion confirmed. Seconded by Mr. Seabury. Motion carried unanimously.

11 – COMMUNICATION – Reappointments to the Library Board of Directors

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointments of John Hoffer and Edward Moore, Sr. to the Library Board of Directors for terms to expire January 1, 2007. Mr. Steinerd made a motion to receive the communication and confirm the reappointments to the Library Board of Directors. Seconded by Mr. Cavo. Motion carried unanimously.

12 – COMMUNICATION – Appointment to the Tarrywile Park Authority

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Theodore A. Cutsumpas to the Tarrywile Park Authority for a term to expire January 1, 2007. Mr. Nagarsheth made a motion to receive the communication and confirm the appointment to the Tarrywile Park Authority. Seconded by Mr. Visconti. Motion carried unanimously.

13 – COMMUNICATION – Donation to the Public Buildings Department

Letter from Superintendent of Public Buildings Richard Palanzo requesting permission to accept a donation of sixty gallons of interior acrylic latex paint from Mark Deysenroth. Mrs. Stanley made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Nolan. Motion carried unanimously.

14 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the amount of \$100 for the Professional Services account. Mrs. McMahon made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Steinerd. Motion carried unanimously.

15 – COMMUNICATION – Christopher Columbus Memorial Recognition

Mr. Nolan asked that this be referred to an ad hoc committee, a representative from the Mayor's Office and a representative of Vespucci Lodge. The Mayor so ordered and appointed Council Members Nolan, Saracino and Esposito to the committee.

16 – COMMUNICATION – 9-11 Memorial Design Services Donation

Letter from Mayor Mark Boughton requesting permission to accept donated services for preparations of the 9-11 Memorial site on Main Street from Friar & Associates and Didona & Associates. Mr. Seabury made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

17 – COMMUNICATION – 9-11 Memorial Bidding Process

Letter from Mayor Mark Boughton requesting waiver of the normal competitive bidding process for the site construction of the 9-11 Memorial so that we can assure that our tight design and construction schedule will meet the calendar. The communication was received on the Consent Calendar and waiver of the normal competitive bidding process for site construction of the 9-11 Memorial approved.

18 – COMMUNICATION – 9-11 Memorial Contributions Fund

Letter from Mayor Mark Boughton requesting that a fund be created to accept private individual and corporate donations for the 9-11 Memorial. A detailed report of all donations will be provided at the October 2004 Common Council Meeting.

The communication was received on the Consent Calendar and a blanket acceptance of donations and the expenditure of the same funds for the construction of the 9-11 Memorial, subject to a detailed report being provided to the Common Council at its October meeting approved.

19 – COMMUNICATION – Donation of 1964 Plymouth

Letter from Mayor Mark Boughton requesting authorization to accept the numerous donations of time, talent and treasure for the refurbishing of a 1964 Plymouth discovered at the Civil Defense Building at Danbury Airport. Mr. Riley made a motion to receive the communication, accept the donations of time, talent and treasure and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

20 – COMMUNICATION – Fire Department Special Services Account

Letter from Fire Chief Peter Siecienski requesting that the sum of \$15,000 be transferred to the Fire Department Special Services Account due to ongoing events. This is a wash item and the funds are returned as invoices are paid. The communication was received on the Consent Calendar and the transfer of funds authorized.

21 – COMMUNICATION – Woodland Group II, LLC

Letter from Mayor Mark Boughton stating that as an alternative to the construction of a sports stadium, the property owners of property located off Old Ridgebury Road and Saw Mill Road have proposed the donation of property and the payment of a substantial sum to the City.

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

22 – COMMUNICATION – Municipal Waste Disposal Agreement

Mr. Cavo made a motion to receive the communication, adopt the agreement and authorize the Mayor to sign all necessary documents. Seconded by Mrs. Basso. Motion carried unanimously.

23 – COMMUNICATION – Transfer of Funds – Permit Center

Letter from Director of Finance Dena Diorio requesting permission to transfer funds in the amount of \$32,384 in the Building Department salaries budget into the Permit Center budget for two full-time staff members that were transferred from Building to Permit. The communication was received on the Consent Calendar and the transfer of funds authorized.

24 – COMMUNICATION – Transfer of Funds for State DOT Invoices

Letter from Director of Finance Dena Diorio requesting the transfer of funds in the amount of \$194,865 to cover three invoices for balances due on two construction projects dating back to 1993 and 1996 related to modernization and coordination of traffic signals in the Central Business District and the restoration of Union Station. The communication was received on the Consent Calendar and the transfer of funds authorized.

25 – COMMUNICATION – Appropriation to the Ambulance Fund

Letter from Director of Finance Dena Diorio requesting that the Common Council approve an additional appropriation of \$57,958 from the Ambulance Fund Balance to be used for MedFinancial's fees and medical supplies and maintenance expenses. The communication was received on the Consent Calendar and the transfer of funds authorized.

26 – COMMUNICATION – Application for Deferral of Assessment Increases for Boehringer Ingelheim

Mr. Urice asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Tax Assessor and a representative from Boehringer. Mayor Boughton so ordered and appointed Council Members Basso, Nagarsheth and Saadi to the committee.

27 – COMMUNICATION – Application for Deferral of Assessment Increases for Personal Property for Boehringer Ingelheim

Mr. Urice asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Tax Assessor and a representative from Boehringer. The Mayor so ordered and appointed Council Members Basso, Nagarsheth and Saadi to the committee.

28 – COMMUNICATION – Water Interconnect with the Town of Bethel

Request from Bethel Consolidated Company, Inc. for a water interconnect with the City of Danbury in the vicinity of Payne Road/Route 6 in Danbury. This interconnect will be used for emergency water supply and maintenance of the existing facilities.

Mr. Riley made a motion to direct the Director of Public Works and the Corporation Counsel to enter into negotiations with Bethel Consolidated concerning a water interconnect to be used for emergency water supply and maintenance of the existing facility. Seconded Mr. Nolan. Motion carried unanimously.

29 – COMMUNICATION – Foley Lease

Request from Superintendent of Schools Eddie Davis for approval of a lease between Cynthia A. Foley and the Board of Education for a parcel of land on Elizabeth Road adjacent to Great Plain School. Mr. Steinerd asked that this be referred to the Planning Commission for a report. Mayor Boughton so ordered.

30 – COMMUNICATION – Report regarding “Westwoods” Subdivision

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

31 – COMMUNICATION – Report regarding odors at 44 Mabel Avenue

Report from Director of Health William Campbell stating that the Senior Inspector of the Environmental Health Services program conducted a visual and odor inspection of the storm drain and no odor problem or visual confirmation of sewage was observed. The report was received on the Consent Calendar and no action taken at this time.

32 – COMMUNICATION – Report regarding Sanitary Sewer for East Gate Road

Report from the Director of Public Works stating that if directed he will add East Gate Road to his list of potential assessment projects. The request was also given a positive recommendation from the Planning Commission. The reports were received on the Consent Calendar and the Director of Public Works authorized to begin the sewer assessment process.

33 – COMMUNICATION – Report regarding the petition for Acceptance of Wilkes Road

Report from the Director of Public Works stating that the Engineering Department expects to begin working on the preliminary assessments for this project in the next month. The reports were received on the Consent Calendar and the Director of Public Works authorized to continue working on the road assessment process.

34 – COMMUNICATION – Petition for Sewers on Karen Road

Mr. Esposito asked that this be referred to the Planning Commission for a report. Mayor Boughton so ordered.

35 – COMMUNICATION – East Ditch Drainage Project – Metro-North Railroad Agreement

Letter from Director of Public Works William Buckley requesting that the Common Council authorize Mayor Boughton to execute the proposed license agreement for Wire, Pipe and Cable Crossings and Longitudinal Occupations prepared by Metro-North Railroad. The communication was received on the Consent Calendar and Mayor Mark Boughton authorized to execute the proposed license agreement with Metro-North Railroad.

### 36 – REPORT – Request to Purchase Land on Robin Hood Road

Mrs. McMahon submitted the following report:

The Common Council Committee appointed to review the request to purchase City land on Robin Hood Road met on January 14, 2004 and again on May 10, 2004 in the Third Floor Caucus Room in City Hall. In attendance at the January 14<sup>th</sup> meeting were committee members McMahon, Nolan and Esposito. Also in attendance were Superintendent of Public Utilities Mario Ricoszi, Deputy Corporation Counsel Eric Gottschalk, the petitioner Jeff Trocolla and Council Members Basso, Cavo, Saracino and Visconti, ex-officio. In attendance at the May 10<sup>th</sup> meeting were committee members McMahon and Nolan. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, Jeff Trocolla and Council Members Cavo and Teicholz, ex-officio.

At the January 14<sup>th</sup> meeting Mrs. McMahon noted the positive recommendation from the Planning Commission. Mr. Ricoszi stated that the property is on Robin Hood Road, which is part of the Sherwood Forest subdivision. It had its own water system operated by DanCon Water Company. In 1990, the DPUC looked at having the City's water department take over the DanCon systems. The City purchased the DanCon Company for \$200,000 taken from the Water Department budget. The real asset was the land, as we would be adding water mains to the system, extending them to the existing community systems and eliminating the need for wells. The City has gone through the State permitting process and we were reclassified a class three, allowing us to abandon the wells and sell the land. These two pieces combined are the largest of the parcels. They are 2.7 acres and are accessed by a 20-foot right of way. The cost of abandoning all the wells was \$80,000. When the Common Council made its decision in September, he forwarded all the parcels to the purchasing agent along with the recommendation that the property owner had expressed an interest in purchasing these two lots.

Attorney Gottschalk stated that on September 3, 2003, Mr. Saadi's motion was contingent upon the DEP's report. Attorney Pinter asked Mr. Saadi if it was his intention to sell to Mr. Trocolla or to the highest bidder. It was referred back to the Common Council for clarification. The Planning Commission took up the matter following the October meeting and gave a positive recommendation. There are two things for the committee to consider. Was it the intention of Mr. Saadi's motion to sell directly to Mr. Trocolla or refer it to purchasing to follow the regular process? Mr. Ricoszi stated that the DEP had no need to review the request.

Mr. Trocolla gave the background on his request. Mr. Nolan stated that there is no question that the Common Council could declare this property surplus, but are we required to do so? Attorney Gottschalk said no, but it must be through sale to the highest bidder unless the Common Council has another process. Mr. Trocolla said he is willing to pay a fair price for the land.

Mr. Nolan moved to continue the committee meeting pending further investigation of pertinent issues and discussion. Seconded by Mr. Esposito and carried unanimously.

The committee reconvened on May 10, 2004 at 6:10 P.M. Mr. Nolan stated that he had the opportunity to look at the property and meet with members of the Planning Department. A portion of the property is still relevant to DanCon. A greater portion goes back to the original development of this section of town. Through a sequence of Planning Commission meetings in October and November 1962, there was a discussion regarding how much the developers needed to set aside for open space. The minutes reflect that Mr. Leeds has elected to donate approximately 2.4 acres of land in the

Sherwood Forest subdivision for recreational purposes. It was moved to accept this property for recreational purposes. The minutes went on to reflect the history of the property.

After reviewing the documents, Mr. Nolan said it was clear to him that it was the intention of the Planning Commission that this not be developed for other building purposes. Attorney Gottschalk stated that there is a restricted covenant that it shall be used for recreational purposes only and raises the question who that covenant runs to. At a minimum it must mean the people in the original development and the most the City could do would be to convey the land subject to the covenants currently of record.

Mr. Buckley said that the deed speaks to parcel "Y", that condition was given to the town and its successors and assigns, but speaks also to the right of way out to the road to be used to get to parcel "X". If Mr. Trocolla wants to buy parcel "X", it should be done by the competitive bidding process. Mr. Nolan asked if it would be inappropriate to make a recommendation to direct the water company and the Corporation Counsel to enter into negotiations with Mr. Trocolla. Attorney Gottschalk said you could do it in any process you wish. There is nothing that legally prevents you from choosing to sell to a particular property owner. The City would need to retain the access way.

Mr. Nolan made a motion to recommend to the Common Council that the Corporation Counsel be authorized to negotiate a fair price on Parcel "X", and if possible, the access way attached to Parcel "Y" with Mr. Trocolla and return such negotiation to the Common Council. Seconded by Mrs. McMahon. Motion carried unanimously.

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

#### 37 – REPORT – O & G Construction – Segar Street Bridge

Mr. Steinerd submitted the following report:

The Common Council Committee met on January 20, 2004 and on May 12, 2004 in the Third Floor Caucus Room in City Hall. Present at the January 20<sup>th</sup> meeting were committee members Steinerd, Urice and Saadi. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Attorney Mark Neilsen representing O & G, Len Petrucelli of O & G and Council Members Nolan and Basso, ex-officio. In attendance at the May 12<sup>th</sup> meeting were committee members Steinerd and Saadi. Also in attendance were Director of Public Works William Buckley, Director of Finance Dena Diorio, Deputy Corporation Counsel Eric Gottschalk, Attorney Mark Neilsen representing O & G, Ken Faroni of O & G and Council Members Cavo and Teicholz, ex-officio.

At the January 20<sup>th</sup> meeting Mr. Steinerd stated that the charge of the committee is to review the request of O & G Construction regarding the Segar Street Bridge. Attorney Neilsen stated that this bridge allows traffic to go over the Still River. The difficulty arises from the State inspection that imposed a weight limitation of 64,000 pounds. This is insufficient for traffic coming out of the O & G facility heading southbound. Due to the nature of its business this creates a serious situation for the construction business. Mr. Buckley stated that O & G is interested in financially contributing to the City and he would recommend replacing the super structure. The City could apply to the State for the funding mechanism. Mr. Steinerd asked what O & G is requesting of the City. Attorney Neilsen said O & G does have some willingness to participate financially in getting this resolved, although he did not have any authority to talk about numbers. They are just beginning to explore their options. Mr. Steinerd said that it sounded like there was not enough information to move forward at this meeting.

Mr. Saadi stated that he is concerned about non O & G customers. How would they be affected by the bridge closure? He is also concerned about the cost. Would an analysis still have to be done? Mr. Buckley said that one of the problems is that the estimate from the City's consultants is \$360,000. Ken Meers said his engineer came up with an estimate of \$50,000. They are in discussions with their engineers as to which number is correct.

Mr. Urice moved to continue this committee until sufficient information is received. Seconded by Mr. Saadi. Motion carried unanimously.

The committee reconvened at 7:30 P.M. on May 12, 2004. Mr. Steinerd asked Mr. Buckley for a summation of the agreement. Mr. Buckley stated that late last year he received a telephone call from the State DOT relating that there were problems with the Segar Street Bridge. The State asked the City to lower the weight. He then heard from O & G Industries, which resulted in an offer to donate all engineering and design services, bidding, grant application, construction services, inspections, review of shop drawings and the final as-built drawings, as well as the one-year bridge inspection.

O & G estimated the construction cost to be approximately \$100,000. The City estimates that the grant will be 31.7%, although there may be some ineligible costs. Subsequent meetings resulted in the agreement that the City would pay 70% of the low bidder's cost of construction, but not more than \$70,000, using the \$100,000 figure as a limiting factor. Under no circumstances would the City pay more than \$70,000. If the grant is not secured, that will not compromise our position. The City is going to apply for the grant, which is a priority. This offer is being made to expedite the process and he would like to waive the formal bidding process, although he would still bid the project. He would put together a package and send it to O & G as well as two other companies. He would make sure that \$100,000 would be the low bid. O & G would still have to do the engineering and design. There is no guarantee that O & G would be the low bidder.

Mr. Steinerd stated that at the last meeting the costs were projected higher. How did we get to \$100,000? Mr. Buckley said they did not have engineering costs from O & G. The City's people gave us a number of \$350,000. According to O & G's engineer, the costs could range from \$30,000 to \$100,000. The liability is all O & G.

Mr. Saadi asked if the cost of the design plan is approximately \$20,000. Mr. Buckley said that figure is correct and it is on a sliding scale. Mr. Saadi said we are analyzing this as a cost benefit for the City as well as for O & G. It is in the City's best interest to work cooperatively with its businesses. He would be looking at a fifty-fifty split. Attorney Neilsen stated that he does not have the authority to agree to a fifty-fifty split. The bridge is an asset of the City. The company benefits by it because of its location.

Mr. Steinerd said you have to look at O & G getting the business; it is money back to O & G. A difference of \$10,000 is not that much of a good faith effort on the part of O & G. Mr. Buckley stated that in Attorney Neilsen's letter his offer includes all necessary permits and he believes there are three: flood management permit, an army corp. permit, and an inland/wetland permit. That is all part of the work they are donating and is part of the twenty percent. Mr. Saadi stated that he appreciates the risk being borne by O & G. He is not disagreeing with the formula, just the numbers plugged into the formula. Instead of 70% of the construction he wants 60% with a cap of \$60,000.

Attorney Gottschalk stated that it was his understanding that the way the State funds these; the City must follow its customary bidding process. The Common Council may waive bidding. He does not know how the State would react to that. If the State declines to offer O & G a grant for 31.7% how will that be reflected in our agreement with O & G. If our commitment is to execute a contract, then we will need a contract to make up that difference. His second concern is the donation of cash. Attorney Gottschalk said that the City's obligation is \$60,000 regardless if we get the grant. If O & G is not the low bidder, we need a contract with O & G that guarantees what we are saying. That contract is an independent one if they are the low bidder.

Attorney Neilsen said he had hoped that we could conclude this, but it is his suggestion that the meeting be adjourned so he can find out whether the company has any flexibility. The matter was to proceed along the lines in his April 13<sup>th</sup> letter, but that has been diverted from. He can agree to no further changes. Mr. Saadi stated that it is structurally difficult to go forward with the grant and other aspects not in place. Mr. Saadi said a motion will be contingent upon an agreement outlining the \$60,000/60%, authorization to apply for the grant, etc.

Mr. Saadi made a motion to authorize the Corporation Counsel to prepare a contract memorializing \$60,000 or 60% of the construction costs including the donation of engineering services as described; authorize the City to apply for the grant; waive the formal bidding process and entertain three bids; and is contingent upon O & G's agreement. Seconded by Mr. Steinerd. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation adopted.

#### 38 – REPORT – Request to Purchase City Land on Terrace Street

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request to purchase land on Terrace Street met on May 18, 2004 at 6:30 P.M. in the Common Council Chambers in City Hall. In attendance were committee members Cavo, Stanley and Visconti. Also in attendance were Director of Public Works William Buckley, Corporation Counsel Robert Yamin, Tax Assessor Colleen Velez, Attorney Greg Brauneisen, Mickey and Mary Cappiello and Council Members Saracino, Barry, Nolan and Urice, ex-officio.

Mr. Cavo stated that this issue has been ongoing for a while. He asked the petitioner for an overview. Attorney Brauneisen stated that the property is located at 2 Terrace Street and is legally part of the Danbury High School property. The Cappiellos have lived there for more than 70 years and have treated the property as their lawn. They are asking for an adjustment of the property line. This parcel is of no value to any other property owner. The benefit to the City is that it will be added to the tax rolls.

Mr. Cavo stated that the forty-foot width is on Terrace Street and the 100 feet are to the back. There is no extension beyond the fence. Miss Cappiello went to someone to draw up the plans to build a garage and she was told she did not own the property.

Mr. Buckley issued a report to the Common Council when it was first referred late last year. Mr. Buckley stated that it is his advice that the Common Council not sell this land. He does not recommend selling City property, especially school property. By virtue of the fact that you have used City property does not give you right to that property. Drainage would end up at the low spot of this property.

Mr. Cavo stated that the Planning Commission issued a negative recommendation, as did the Board of Education. Mr. Cavo asked if Mr. Buckley would be more comfortable if an easement for drainage were given? Mr. Buckley asked where the restriction would go and he does not know that an easement would solve the problem.

Ms. Velez stated that the appraisal is \$14,500. A two car detached garage could mean an additional \$500 to \$600 in additional taxes.

Mr. Visconti made a motion to recommend rejection of the sale of City property due to the negative reports from the Planning Commission, the Board of Education and the Director of Public Works. The motion failed for lack of a second.

Mrs. Stanley moved to accept the offer from the resident to purchase the City property at 2 Terrace Street at a price of \$14,500. Seconded by Mr. Cavo. Motion carried with Mr. Cavo and Mrs. Stanley voting in the affirmative and Mr. Visconti voting in the negative.

Mr. Trombetta made a motion to receive the report and adopt the committee's recommendation. Seconded by Mrs. Basso. Motion carried with Mr. Visconti voting in the negative.

#### 39 – REPORT – Amendment to Recycling Solid Waste Operation Agreement

Mrs. Stanley submitted the following report:

The Common Council Committee appointed to review the Amendment to the Recycling Solid Waste Operation Agreement met on May 20, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Stanley, Trombetta and Barry. Also in attendance were Director of Public Works William Buckley, Superintendent of Public Utilities Mario Ricoszi, Assistant Corporation Counsel Les Pinter and Council Members Teicholz and Urice, ex-officio.

Mr. Buckley stated that this is the third time this is before the Common Council. When the landfill closed in 1996, a group of residents did not hire a hauler to collect their garbage. These are known as "Moms and Pops". We would charge them the equivalent of \$80 per ton. It cost \$2.00 for a fifty-pound bag and you had to purchase coupons. When the landfill closed, we could no longer bring solid waste into the facility so we negotiated the contract with AWD. The rates are initially the same. There is a rate schedule. This agreement does not affect dollar value, just the term of the agreement. The City pays AWD \$57,000 because the City gives out free garbage disposal to handicapped individuals. Coupons are available at City Hall. AWD does not let these individuals dump for free. The City of Danbury pays. There are also free permits for any resident who does not want to hire a hauler. The City of Danbury subsidizes them.

Mr. Barry asked about his e-mails concerning the CPI. Mr. Buckley stated that he mirrored the HRRRA contract. He negotiated this amendment using the same CPI. He said that the cost would go up equal to the CPI. If you go to 50% that is not what we negotiated. Mr. Trombetta said the CPI is a very minor difference. He cannot see changing anything because he thinks it is a fair agreement.

Mr. Urice explained discussions he had with Mr. Buckley and with James Galante of AWD. He explained that he had a problem with the terminology used with the CPI and Mr. Galante said he knew it needed to be changed to Northeast Region. Ms. Stanley asked if Danbury is included in either the Northeast Region or the Boston/Brockton region? Mr. Buckley said the City could use Houston if it chooses.

Mr. Trombetta made a motion to recommend that the Common Council authorize the Mayor to execute the Amendment to the Recycling Solid Waste Operation Agreement. Seconded by Mr. Barry. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation adopted.

#### 40 – REPORT – Land Swap at Tarrywile

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review a land swap at Tarrywile met on May 24, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Saracino and Esposito. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Finance Dena Diorio, Zoning Enforcement Officer Wayne Skelly, Attorney Ward Mazzucco for the petitioners, Chairman of the Tarrywile Park Authority Gerry Daley and Council Members Basso, Cavo, Seabury, Teicholz and McMahon.

Mr. Nolan noted the positive recommendation from the Planning Commission. He then asked Attorney Mazzucco for an explanation of the request.

Attorney Mazzucco stated that he represents Mr. and Mrs. Bellavance. The petitioners made a mistake when they remodeled their house and it ended up closer than the property line allows. They are proposing to exchange an acre of property for a small triangle consisting of 393 square feet. He submitted a revised map showing the strip owned by the City. The house would then be conforming and the Park would be enlarged.

Attorney Gottschalk stated that from a legal point of view, you have the power to swap one piece of property for another. It would require a two-thirds vote of the Common Council. He recommended that the Zoning Enforcement Officer be allowed to give the background on this. Mr. Skelly stated that we have a regulation that when you

apply for a zoning permit, you are not to start framing until an as-built is brought in. They disregarded this regulation. They went to the Zoning Board of Appeals and were denied because any hardship was self-inflicted. Unless this is something the City is going to benefit from, he would not recommend it. The resolution is to take that portion of the house off. It is a third bay of a garage that is in violation.

Attorney Mazzucco said that a mistake has been made, but he hopes a beneficial trade can be made. This caused Mr. Bellavance to suspend work on the home he is building for his own use. He hopes that the notion of punishing him won't enter into the equation.

Mr. Daley said that Tarrywile Park Authority was not interested in the first parcel offered. It was just a pile of rocks. It is in favor of Parcel "B" because of the pond. This parcel would allow them some control over the water quality and protection of the pond.

Ms. Saracino made a motion to approve the land swap as presented on the second map. Seconded by Mr. Nolan. Mr. Esposito said he is sympathetic to the petitioner, but the Zoning Enforcement Officer was doing his job. Motion carried with Mr. Nolan and Ms. Saracino voting in the affirmative and Mr. Esposito voting in the negative.

Mrs. Basso made a motion to receive the report and approve the committee's recommendation. Seconded by Mr. Seabury. Motion carried with Council Members Saadi, Visconti and Esposito voting in the negative.

41 – REPORT – Resolution concerning Non-Union Employees  
Mr. Cavo recused himself.

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the resolution concerning non-union employees met on May 24, 2004 at 7:00 P.M. in Conference Room 3C in City Hall. In attendance were committee members Nolan, Basso and Esposito. Also in attendance were Attorney Lisa Mehta, Director of Finance Dena Diorio, City employees Julio Lopez, Abdul Mohammed, Wayne Skelly, Cathy Skurat, Ann Klebaha, Judy Baris, Robin Shepard and Richard Palanzo, as well as Council Members Cavo, McMahan, Saadi, Saracino and Urice, ex-officio.

Mr. Nolan stated that the committee is charged with reviewing the revised resolution concerning non-union employees that would modify language in a 1973 resolution. He asked Ms. Diorio for an explanation of the change. Ms. Diorio stated that the administration started to look at health insurance benefits given to the non-union employees. They heard from those employees that they liked the health package that they have. The cost that the non-union employees pay will rise from 5% to 12%. They are also given the option to move into a less costly plan. The administration is also looking at enhancement raises instead of across the board raises. The DMEA is a bargaining unit. The resolution was pretty straightforward and what the administration was offering was inconsistent. The resolution changes the word "shall" to "may". The non-union employees became concerned that there is a push to chip away at their benefits.

Mr. Nolan asked Attorney Mehta for her input. She stated that the resolution breeds concerns, the first being that the resolution itself has a different binding effect. A resolution is meant to be temporary. Second, one legislative body cannot bind a subsequent one. This is a situation where binding one group of employees to another group of employees is not legal. It creates a pressure that should not exist in a bargaining unit. Are we putting obligations on one group of employees that do not affect their membership? Attorney Mehta cited case law. Later in the meeting, Council Member Tom Saadi asked Attorney Mehta if all those case were concerned with parity provisions between bargaining units, not bargaining and non-bargaining units. Attorney Mehta said that was correct.

Mrs. Baris stated that for over thirty years, Mayors have given additional benefits to non-union employees. If it is not valid, then it is a misconception that we have rights

and benefits. There are several employees nearing the rule of 85. These people have served the City for a long period of time and expect to receive certain benefits upon retirement. They could lose those benefits. Adopting this resolution takes away the security. Non-union employees need to have a binding policy. She said that this is just not a health insurance issue.

A discussion followed with the non-union employees expressing their views to the committee. Mr. Nolan stated that there needs to be some sort of policy to protect what makes the government run. Mr. Nolan said he would recommend that the old resolution be nollied and the Common Council and the administration should implement policies and procedures. The adoption of an old or new resolution does not do anything for the City. Mr. Nolan stated that one of the concerns is the effect on the retirees and the near retirees. Ms. Diorio said it would have no impact on them. You keep the benefits you retire with.

Mrs. Basso made a motion to recommend termination of the 1973 resolution affecting the non-union employees and to recommend the development of specifications to give the non-union employees a clear understanding of their benefits. Seconded by Mr. Esposito. Motion carried unanimously.

Mrs. Basso made a motion to receive the report and adopt the committee's recommendation. Seconded by Mr. Riley. Motion carried with Council Members Saadi, Barry and Visconti voting in the negative. Mr. Cavo was absent from the dais.

After the vote, Mr. Cavo returned to the dais.

#### 42 – REPORT & ORDINANCE – Burglar and Fire Alarm Systems

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on May 17, 2004.

Captain Arthur Sullo stated that the police respond to over 6,000 alarms per year; 98% are false. Police Officers become very complacent about answering these calls and it is a costly proposition. A second police cruiser is usually deployed and they are tied up between twenty and forty-five minutes. There would be two free false alarms per calendar year. This puts the onus on people who own the alarms. The cost would be approximately \$100 per hour. Deputy Fire Chief Phil Curran said the cost to answer fire alarms is approximately \$500 per hour.

Ms. Saracino asked about privacy issues. Attorney Gottschalk stated that the Freedom of Information Commission has ruled that all public records are subject to FOI; laws have been amended to reflect heightened security concerns. An argument can be made not to offer these lists. Mr. Saadi noted that State Statute has not been changed. False alarms are not the issue; the problem is with the registration. Is there a necessity to have a registered list? Captain Sullo said registration is necessary because we need to know who has installed alarms. We need to know that they have sound equipment. Mr. Urice said he has no problem with fining people for false alarms, but he does have a problem with registering people.

Mr. Nolan asked from a financial point of view what is the projected revenue stream? Ms. Diorio stated that it is \$235,000. Mr. Nolan stated that if we exempt this, it would create a hole in our budget. Mr. Barry said that with all due respect to the budget, registration does not have to come with a fee. This is a tax on people who are putting in alarms.

Ms. Saracino made a motion to recommend adoption of the ordinance. Seconded by Mr. Visconti. Mr. Urice offered an amendment to strike Section 3A-27, subsection A-D and Section 3A-28, Subsection A. Seconded by Mr. Saadi.

Mr. Riley said any amendment weakens the ordinance. Mr. Nolan stated that he is against the amendment. He shares the concerns regarding FOI. Between now and the Common Council Meeting we can get the information and the ordinance should be in place by July 1<sup>st</sup>. Attorney Gottschalk said that the ordinance is slated to be in effect

January 1, 2005. Mr. Seabury made a motion to move the question. Seconded by Mr. Saadi. Motion carried unanimously

Motion to amend failed with Council Members Calandrino, Saadi and Urice voting in the affirmative.

The main motion carried with Council Members Calandrino and Saadi voting in the negative.

THAT Sections 3A-25 through 3A-51 of the Code of Ordinances of Danbury, Connecticut are hereby repealed and the following sections are substituted in lieu thereof:

**Sec. 3A-25. Purpose and intent.**

The proliferation of burglar and fire alarm systems to which the Danbury Police and Fire Departments are required to respond has imposed an increasing burden on said departments. The improper installation, use and maintenance of said systems are creating a hazard to the members of said departments and to the general public. The purpose of this Chapter is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

**Sec. 3A-26. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (a) *Alarm administrator:* The Director of Finance of the City of Danbury shall be the Alarm administrator and shall have all of the powers and duties granted pursuant to the provisions of this Chapter.
- (b) *Alarm system or system:* Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or an illegal entry or other activity requiring urgent attention to which emergency service personnel are expected to respond.
- (c) *Burglar alarm:* Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police are expected to respond.
- (d) *Central station alarm monitoring service:* An office to which remote alarm devices transmit signals where operators monitor those signals and relay information to the departments.
- (e) *Contractor:* Any person in the business of installing or servicing the alarm systems.
- (f) *Department:* With respect to fire alarm systems the department shall be the fire department and with respect to burglar alarm systems the department shall be the police department.
- (g) *Emergency service personnel:* With respect to fire alarms, emergency service personnel shall mean members of the Danbury Fire Department. With respect to burglar alarms, emergency service personnel shall mean members of the Danbury Police Department.
- (h) *False alarm:*
  - (1) Error or mistake. Any action by any person owning, leasing, operating or controlling an alarm system installed in any dwelling, building or place, or any action by an agent or employee of said person that results in the unintentional activation of an alarm system when no emergency exists.
  - (2) Malfunction. Any unintentional activation of any alarm system caused by a flaw in the design or installation of, or the improper maintenance of, the alarm system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the owner of the system.
  - (3) Intentional misuse. Any intentional activation of an alarm system when no emergency exists.
- (i) *Fire alarm:* Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire other activity requiring urgent attention to which fire personnel are expected to respond.

- (j) *Person*: Any natural person, firm, corporation or other entity except the City of Danbury or the Danbury Board of Education.

**Sec. 3A-27. Registration and permitting.**

- (a) No alarm system shall be placed in service after installation in any dwelling, business or place within the City of Danbury until said alarm has been registered with the alarm administrator and a permit for said system issued. Any alarm system in service on the effective date hereof shall be registered with the alarm administrator within sixty (60) days of said effective date. Annual alarm system permits may be obtained by completion of a registration form provided by the alarm administrator and payment of a permit and monitoring fee of twenty dollars (\$20.00) for residential alarm systems and seventy dollars (\$70.00) for non-residential alarm systems. Permits shall expire on December 31<sup>st</sup> of every year unless renewed. Any organization that has been recognized as exempt from the payment of federal income taxes by the Internal Revenue Service shall not be subject to the permit and monitoring fee provisions hereof.
- (b) Each central station alarm monitoring service that plans to transmit signals to the police or fire departments shall register with the alarm administrator before doing so. Annual central station alarm monitoring service permits may be obtained by completion of a registration form provided by the alarm administrator and payment of a permit fee of seventy dollars (\$70.00).
- (c) Each contractor shall register with the alarm administrator. Annual contractor permits may be obtained by completion of a registration form provided by the alarm administrator and payment of a permit fee of seventy dollars (\$70.00).
- (d) Alarm system registration shall be accomplished by filing an application form with the alarm administrator, including, but not limited to, such information concerning the identity of the applicant, the alarm owner and user, any alarm system contractors and the nature of the proposed alarm system, as the alarm administrator may require. Central station alarm monitoring service registration shall also include disclosure of the form of its business entity, its principal place of business, the location of its monitoring office, the level of its staffing devoted to monitoring alarms, and its Danbury customer list. Contractor registration shall also include disclosure of the form of its business entity, its principal place of business, the manufacturers and types of equipment that it intends to install, the manufacturers and types of equipment that it is qualified to service and its Danbury customer list. It shall be the responsibility of each permit holder to notify the alarm administrator in writing within ten (10) days of any change in registration information.

**Sec. 3A-28. Installation and response.**

- (a) Any person causing any alarm system to be installed shall, prior to placing such alarm in service, post with the police department in the case of a burglar alarm and with the fire department in the case of a fire alarm a list containing the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system and the knowledge and ability to make said system secure in case of activation. They shall also post the name, address and telephone number of any person, firm or corporation responsible for servicing the alarm system.
- (b) When any alarm system is activated, emergency service personnel shall respond to the alarm and notify the person or persons listed in paragraph (a) hereof. Within thirty minutes of notification said person shall go to the place where the alarm is sounding to meet the emergency service personnel, secure the building and reset the alarm.
- (c) Should any person responsible for any alarm system, when notified of its activation, refuse to respond pursuant to paragraph (b) hereof, emergency service personnel on the scene shall check the property thoroughly and secure the location as much as possible. Emergency service personnel shall not be required to make any further responses to that building, dwelling or place until such time as said alarm system has been properly reset.
- (d) If any dwelling, building or place is required by law to maintain a fire alarm system, as herein defined, and if said alarm system fails to function and cannot be

returned to service within a reasonable time, and if, in the opinion of the chief of the fire department, the absence of a properly functioning alarm system may pose a threat to life and property, the chief of the department may require the special duty assignment of one or more firefighters to patrol the premises until the alarm system has been returned to service. The cost of any special duty assignment shall be the responsibility of the alarm system permit holder. Payment for such special duty services shall be made at such rates and in accordance with such terms as are established pursuant to the collective bargaining agreement then in effect between the City of Danbury and Local 801, IAFF, AFL-CIO.

**Sec. 3A-29. False alarms--Errors, mistakes or malfunctions; penalty.**

- (a) No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place when no emergency exists which results in the response of emergency service personnel.
- (b) The following fines shall be levied upon any person owning or operating an alarm system for activation of said system by error, mistake or malfunction, as the case may be, in violation of paragraph (a) hereof:
  - (1) Two (2) such false fire alarms may occur in any calendar year without the imposition of a penalty.
  - (2) The third false alarm and every subsequent false alarm any calendar year shall result in a fine in the amount of one hundred dollars (\$100.00) per incident. In addition, such person shall be responsible for and shall bear the expense of responding to any such false alarm. Said expense shall be determined by the chief of the responding department and the alarm administrator and billed to the responsible party or parties; provided, however, that no such charges, exclusive of any penalty imposed, shall exceed one hundred fifty dollars (\$150.00) per response.

**Sec. 3A-30. Same--Intentional; penalty.**

- (a) No person shall knowingly or intentionally activate any alarm system when no emergency situation exists.
- (b) No person shall knowingly or intentionally test, repair, adjust, alter or perform maintenance on an alarm system, or cause the same to be tested, repaired, adjusted, altered or maintained, if such action could result in a false alarm without first notifying the department of such test, repair, adjustment, alteration or maintenance and receiving approval for same. Said department shall be notified immediately upon completion of any such test, repair, adjustment, alteration or maintenance. The chief of said department may restrict or refuse to permit the testing, repair, adjustment, alteration or maintenance of an alarm system if such testing, repair, adjustment, alteration or maintenance could result in a false alarm when such restriction or refusal is necessary due to manpower limitations.
- (c) Any person who violates paragraphs (a) or (b) of this section shall be fined one hundred dollars (\$100.00) and, where applicable, may additionally be subject to prosecution under the Connecticut General Statutes for falsely reporting an incident. In addition, such person shall be responsible for and shall bear the expense of responding to any such false alarm. Said expense shall be determined by the chief of the appropriate department and the director of finance of the city and billed to the responsible party or parties; provided, however, that no such charges, exclusive of any penalty imposed, shall exceed one hundred fifty dollars (\$150.00) per response.

**Sec. 3A-31. Failure to pay fees or fines.**

If any person fails to pay any fee or fine established or levied in accordance with the provisions of this Chapter within sixty (60) days, such person shall be subject to a late fee of twenty-five dollars (\$25.00). Interest shall accrue at the rate of one and one-half (1 1/2) percent per month on all fines and charges outstanding for periods in excess of thirty (30) days.

**Sec. 3A-32. Regulations.**

- (a) No alarm system shall be installed until the plans and specifications relating to said alarm system have been approved by the chief of the appropriate department. The chief of each department, either personally or through a designated representative, shall have the right at all reasonable times to inspect any alarm system within his jurisdiction.
- (b) The location of all alarm system components shall be provided on a floor plan to be kept at the site of the alarm system in or adjacent to the alarm system panel.
- (c) Except with respect to one and two family residences, prior to the issuance of a permit pursuant to the provisions of Section 3A-27, the permit applicant shall install a lock box at the site of the alarm system. Prior to placing the alarm system in service, both the lock box and its placement shall be approved by the department. Said lock box shall contain keys to the structure served by the alarm system. In addition, the lock box shall contain a list of all hazardous substances present on the site in significant quantities. As used herein, the phrases "hazardous substances" and "significant quantities" shall be defined in accordance with the provisions of Section 9-74 of the Danbury Code of Ordinances.
- (d) Unless required by law, no alarm system that produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes. Any exterior audible alarm system in use as of the effective date of this Chapter must comply with this section within one hundred twenty (120) days of such date.
- (e) Permits issued hereunder shall be non-transferable.

**Sec. 3A-33. Hearings.**

- (a) Any person receiving an order or notice of violation pursuant to the provisions of this Chapter may contest said order or notice at a hearing before an alarm systems hearing officer. All demands for a hearing must be made in writing and delivered in person or by mail no later than ten (10) days following receipt of the order or notice of violation. Any person requesting a hearing shall be given written notice of the date, time; and place of the hearing. Such hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days, from the date of the mailing of notice; provided, the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the issuing officer shall be required at the hearing if such person so requests. A person wishing to contest an order or notice of violation shall appear at the hearing and shall have the right to present evidence and cross-examine witnesses. A designated city official, other than the hearing officer, may present evidence on behalf of the city. The hearing officer shall conduct the hearing in order and form and with such methods of proof, as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing.
- (b) The mayor shall appoint, and the common council shall confirm, two (2) or more hearing officers, other than police officers or firefighters, to conduct the hearings authorized by this section. All such officers shall serve for a term of two (2) years.

**Sec. 3A-34. Liability, invalidity.**

- (a) The city shall be under no duty or obligation to maintain a dispatch panel, communication console receiving module or other specialized equipment for the monitoring of alarm systems. The installation and maintenance of alarm systems permitted by this Chapter shall be made at no cost to the city.
- (b) No liability whatsoever is assumed by the City of Danbury for the failure of such alarm systems or monitoring facilities or for failure to respond to alarms, or for any other act or omission in connection with such alarm systems. Each alarm system permit holder shall be deemed to hold and save harmless the city, its departments, officers, agents and employees from liability in connection with the permit holder's alarm system.

- (c) The invalidity of any provision or provisions contained in this Chapter shall not affect the validity of the remaining provisions hereof.

**Sec. 3A-35. Penalty.**

Except as otherwise provided in this Chapter, any person who violates any of the provisions of this Chapter shall be subject to a fine of one hundred dollars (\$100.00) per occurrence.

**Sec. 3A-36. Effective date.**

The provisions hereof shall be effective on January 1, 2005.

Mr. Nolan made a motion to receive the report and adopt the ordinance. Seconded by Mr. Cavo.

Mr. Saadi offered the following amendment:

Remove the sections and sub-sections as follows:

Section 3A-26 (a) definition of Alarm Administrator  
(d) definition of Central station alarm monitoring service  
(e) contractor  
Section 3A-27 in its entirety  
Section 3A-28 in its entirety  
Section 3A-32 in its entirety

Change Section 3A-36 – to make the effective date immediately upon passage and proper notice

Renumber and re-letter the remaining sections of the proposed ordinance as appropriate

Seconded by Mr. Barry.

After a lengthy discussion, Mr. Cavo made a motion to move the question. Seconded by Mrs. Basso. Motion carried with Council Members Saadi, Barry and Visconti voting in the negative.

The motion to amend failed with Council Members Saadi, Barry, Visconti, Urice and Esposito voting yes.

After further discussion on the main motion, Mrs. Basso moved the question. Seconded by Mr. Cavo. Motion carried with Council Members Saadi, Barry, Visconti and Urice voting no.

Main motion carried with Council Members Saadi, Barry, Visconti, Urice and Esposito voting in the negative.

43 – REPORT – Request for Sewer and Water Extensions – 71-73 Boulevard Drive

Mr. Nagarsheth submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 71-73 Boulevard Drive met on May 12, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nagarsheth, Steinerd and Barry. Also in attendance were Director of Public Works William Buckley, the petitioner Larry Terhaar, and Council Members Basso, Cavo and Teicholz, ex-officio.

Mr. Nagarsheth noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this is a small project of 14 units adjacent to Lake Kenosia, next to the Davon condominium project. The lines will extend from the Davon

project and it is a relatively simple extension. He recommends approval subject to the required eight steps.

Mr. Barry made a motion to recommend approval of the request for sewer and water extensions at 71-73 Boulevard Drive. Seconded by Mr. Steinerd. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendations adopted.

#### 44 – REPORT – Request for Sewer and Water Extensions – 1 Lyon Street

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 1 Lyon Street met on May 12, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi and Basso. Also in attendance were Director of Public Works William Buckley and Council Members Cavo, Nagarsheth, Steinerd and Teicholz, ex-officio.

Mr. Saadi noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this is a single-family dwelling. He would recommend approval subject to the required eight steps. The petitioner wanted to come in through the public works driveway, but the City does not want him to. Going out to Newtown Road is the better way of doing this. He does not want them to dig up City property or to block the public works driveway. The line is on the Old Sorrento side of the street and this is where he would want them to hookup.

Mrs. Basso made a motion to recommend approval of the request for sewer and water extensions at 1 Lyon Street. Seconded by Mr. Saadi. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation adopted.

#### 45 – REPORT – Benson Drive and Union Circle – Sanitary Sewer Extension

Mr. Nolan submitted the following report:

The Common Council met as a committee of whole on May 17, 2004 immediately following a public hearing in the Common Council Chambers.

Mr. Buckley gave an overview of the project. 37% were in favor of the project, 50.9% were not in favor and 11% did not respond. He went over the formula used for assessments. Mr. Buckley responded to the questions raised during the public hearing.

Mr. Visconti asked about the Boehringer situation. Mr. Buckley said the land is in Ridgefield and he would not be involved in it. If the land were in Danbury it would be an Environmental Impact Commission issue. Mr. Seabury asked if this would be a civil matter or a private issue between property owners? Attorney Gottschalk said as a general matter if one property owner does something to another property owner, it is a civil matter. Neither town would be involved.

Mr. Saadi pointed out that there is a five-year moratorium in place. He would have a hard time voting for this, as would Mr. Riley when Boehringer could be polluting onto Benson Drive. Ms. Saracino agreed with Mr. Riley and said the issue of flooding should be in committee.

Mr. Saadi made a motion to recommend that the Common Council direct the City Engineer not to proceed with this project and recommend that an ad hoc committee be appointed to review drainage issues. Seconded by Mr. Visconti. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation approved.

46 – REPORT – Independent Systems Operators of New England – Load Response Program

Mr. Trombetta submitted the following report:

The Common Council Committee appointed to review the Independent Systems Operators of New England Load Response Program met on May 20, 2004 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Trombetta and Barry. Also in attendance were Director of Public Works William Buckley, Superintendent of Public Utilities Mario Ricoszi, Assistant Corporation Counsel Les Pinter, and Council Members Teicholz and Stanley, ex-officio.

Mr. Trombetta asked Mr. Ricoszi for an overview of the request. Mr. Ricoszi stated that several firm asked to use our generators in order to go off line in the event of an electrical emergency. It would take five facilities and operate as a self-contained unit. Blackouts and brownouts happened primarily during the summer months. Independent Systems Operators act as a stock exchange to make sure trading of energy is flowing. They evaluated three companies and recommended Pinpoint Power to the Board of Awards. The concurred and Pinpoint was selected. It will take four years until all power lines can get into Southern Connecticut. They will evaluate extending the contract at that time.

Mr. Ricoszi stated that there are still a few items left to finalize. Revenue will be \$250,000 per year. Mr. Barry asked about a standby fee. Mr. Ricoszi said it is a quarter of a million dollars.

Mr. Barry made a motion to recommend that the Common Council approve the participation in the load response program of the Independent System Operators of New England, contingent upon completion of the review by Corporation Counsel. Seconded by Mr. Trombetta. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation adopted.

47 – REPORT & ORDINANCE – Tax Information Retrieval and Report

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole on May 17, 2004 immediately following a public hearing in the Common Council Chambers.

Ms. Saracino made a motion to recommend adoption of the ordinance. Seconded by Mrs. Basso. Motion carried unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 18-32, which said section reads as follows:

Sec. 18-32. Tax Information retrieval and report.

Upon receipt of a written request for a report of tax information with respect to the current and delinquent tax obligations of a taxpayer, the tax collector shall conduct a review of municipal tax records and prepare a report disclosing the tax status of all real and personal property owned by said taxpayer. Each request shall relate to a single taxpayer and shall be available for a prepared fee of fifteen (\$15.00) dollars.

The report was received on the Consent Calendar and the ordinance adopted.

48 – REPORT & RESOLUTION – Neighborhood Assistance Act

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall in May 17, 2004.

Ms. Saracino made a motion to recommend adoption of the Resolution. Seconded by Mr. Cavo. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Neighborhood Assistance Act Program is available for area non profits to submit applications for funding; and

WHEREAS, the Act provides tax credits for businesses which contribute to community programs having received both municipal and state approval; and

WHEREAS, certain local and area organizations are seeking to apply through Danbury for such tax credits; and

WHEREAS, no local matching funds are required; and

WHEREAS, said organizations and their requests are as set forth on the attached schedule.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through its Common Council, hereby approves, subject to a public hearing as required by law, those organizations set forth in the schedule, for participation in the Neighborhood Assistance Program and authorize Mark D. Boughton, Mayor of the City of Danbury to take such actions as may be necessary for the accomplishment of the purposes hereof.

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

#### 49 – REPORT & ORDINANCE – Fire Marshall Inspections – Fees For Inspections

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on May 17, 2004.

Mrs. Teicholz made a motion to recommend adoption of the ordinance. Seconded by Ms. Burns. Motion carried unanimously.

That the Code of Ordinances of Danbury, Connecticut, is hereby amended by adding a section, to be numbered 8-33, which said section reads as follows:

#### Section 8–33 Fire Marshal Inspections– Fees for Inspections

##### (a) Liquor Licenses.

- (1) The Fire Marshal or his designee shall inspect or cause to be inspected any premises applying for a new or existing liquor license. A one hundred dollar (\$100.00) fee for all liquor permits allowing the retail sale, serving and consuming of liquor on the premises shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all such premises which fall within the following categories: café permit; charitable organization permit; club permit; nonprofit club permit; concession permit; golf country club permit; hotel permit; resort permit; restaurant permit; special event permit; special sporting facility permit; stadium permit; tavern permit; temporary permit for beer and/or wine only; and university permit.
- (2) Inspection of the premises shall be made to insure compliance with the Connecticut Fire Safety Code and the Connecticut General Statutes as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

##### (b) Assembly Occupancies.

- (1) The Fire Marshal or his designee shall inspect, or cause to be inspected, annually all assembly occupancies, with a minimum of fifty (50) occupants, or rented to the public for social functions or parties. The Fire Marshal shall require a license to be issued by his office. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all Class A, Class B or Class C facilities.
- (2) Said annual inspection shall coincide with any other necessary inspections for licenses; such as a liquor license, health certificate and vendor permits with LPG tanks only. Inspection of assembly occupancies shall be made to insure compliance with the Connecticut Fire Safety Code and the Connecticut General Statutes as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(c) Child Day Care Centers.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all child day care centers in which more than twelve (12) children receive care, maintenance and supervision, by other than relatives or legal guardians, to insure compliance with the Connecticut Fire Safety Code. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all day care centers.

(d) Group Day Care Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all group day care homes in which at least seven (7) but not more than twelve (12) children receive care, maintenance and supervision, by other than their relatives or legal guardians, to insure compliance with the Connecticut Fire Safety Code. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all group day care homes.

(e) Nursing Homes.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all nursing homes in which two or more persons unrelated to the proprietor receive food, shelter and services which meet a need beyond the basic provisions of food shelter and laundry, to insure compliance with the Connecticut Fire Safety Code. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all nursing homes.

(f) Lodging and Rooming Houses.

- (1) The Fire Marshal or his designee shall inspect or cause to be inspected annually all lodging and rooming houses, in accordance with the Connecticut Fire Safety Code and issue an approval to the Department of Health and Housing to license such occupancy upon compliance.
- (2) A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all lodging and rooming houses. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(g) Dry Cleaning Establishments.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all dry cleaning establishments to insure compliance with the Connecticut Fire Safety Code and the Connecticut General Statutes as may be amended from time to time. A fee of fifty dollars (\$50.00) shall be paid to

the City of Danbury prior to the annual Fire Marshal's inspection of all dry cleaning establishments.

(h) Carnivals.

The Fire Marshal or his designee shall inspect or cause to be inspected all carnival events prior to issuing approval to operate. The party sponsoring the carnival event using tents, portable cooking devices, rides, amusements and any other such activity, or combination thereof for any reason or cause, shall schedule an inspection with the Fire Marshal's office not less than thirty (30) days prior to the scheduled event. Also, not less than thirty (30) days prior to the scheduled event a plot plan showing all rides, booths, concessions, and amusements shall be submitted to the Fire Marshal's office along with all other relevant documents. A fee of seventy-five dollars (\$75.00) shall be paid to the City of Danbury prior to the Fire Marshal's review of the plot plan and inspection of the site.

(i) Hotels.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all hotels to insure compliance with the Connecticut Fire Safety Code. For the purposes of this Ordinance, a hotel is defined as a building or a group of buildings under the same management in which there are more than sixteen (16) sleeping accommodations used primarily by transients for lodging, with or without meals, whether designed as a hotel, inn, club, motel, hotel, apartment hotel or by any other name. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all hotels. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(j) Cargo Tank Motor Vehicles.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any motor vehicle registered within his jurisdiction that is used for the storage or transportation of any bulk flammable or combustible liquids, liquid petroleum gas, or liquefied natural gas, or any other hazardous materials for the purpose of issuing a certificate as directed by Sections 29-322, 29-332 and 29-339 of the Connecticut General Statutes. A fee of fifty dollars (\$50.00) per sticker shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all cargo tank motor vehicles.

(k) Vendor Permits/LPG Tanks.

The Fire Marshal or his designee shall inspect or cause to be inspected annually any carts or vehicles of vendor permit applicants which use liquefied petroleum gas as a fuel for cooking. Each liquefied petroleum gas tank and piping shall be installed and mounted per NFPA 58 Standards. At the time of application, a fee of twenty dollars (\$20.00) shall be paid to the City of Danbury and the cart or vehicle brought to the Fire Marshal's parking lot at the Danbury City Hall for inspection. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(l) Three family or more dwellings; Apartment Houses, Garden Apartments and Townhouses.

The Fire Marshal or his designee shall inspect or cause to be inspected annually all residential buildings designed to be occupied by three or more families, including but not limited to, three family or greater dwellings, apartment houses, garden apartments and townhouses. Upon the scheduling of an inspection a fee of twenty-five dollars (\$25.00) per unit shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(m) Portable shelters housing 100 or more persons.

The Fire Marshal or his designee shall inspect or cause to be inspected all tents, air supported plastic or fabric or other portable shelters governed by Section 29-140 of the Connecticut General Statutes, and intended for assembly of one hundred or more persons. At the time of application for a permit to erect such a portable shelter, a fee of twenty-five dollars (\$25.00) shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(n) Failure to Pay Inspection Fees.

In the event of failure to pay an inspection fee when due, the Fire Marshall shall issue a notice of failure to pay together with an invoice demanding payment of the inspection fee. Further action to collect the inspection fee shall be in accordance with the procedures set forth in Section 12-35 Citation hearing procedure, of the Danbury Code of Ordinances pertaining to enforcement, appeals and hearing.

The report was received on the Consent Calendar and the ordinance adopted.

50 – REPORT & ORDINANCE – Public Building Use Policies

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers on May 17, 2004.

Ms. Saracino made a motion to recommend adoption of the ordinance. Seconded by Mr. Cavo.

Mr. Visconti stated that he is concerned about renting the rooms in City Hall. Ms. Saracino said that this ordinance only allows the establishment of a committee to look at fees.

Mr. Saadi stated that the discussion at the ad hoc committee meeting clearly indicated that the intent of adopting this ordinance is not to rent rooms in City Hall or otherwise adopt any policy for City Hall that could potentially interfere with Common Council and City business and meetings. It is not fair to rent a room to someone, charge them a deposit and because there is a special or emergency meeting called by the Common Council or other boards, commissions or agencies, deny them access to that room. The only way to deal with this is to have any rental policy apply to all municipal buildings with the exception of City Hall and those so exempted in the ordinance as proposed.

Motion carried with Mr. Visconti voting in the negative.

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

THAT the Code of Ordinances of Danbury, Connecticut, is hereby amended by adding a section, to be numbered 11-1, which said section reads as follows:

The City of Danbury is authorized to establish policies and procedures for the use and/or rental of various municipal facilities by the public. The Common Council may adopt, and may amend from time to time, "Policies, Rules and Regulations for Use of Municipal Facilities" and may establish an annual schedule of use fees for said facilities. This policy shall apply to all facilities as set forth in said policies, except the Danbury Public Library and those under the jurisdiction and control of the Stanley Lasker Richter Memorial Park Authority, the Tarrywile Park Authority and the Department of Parks and Recreation. The Superintendent of Public Buildings shall be responsible for the implementation of the "Policies, Rules and Regulations for Use of Municipal Facilities" with respect to the named facilities and shall oversee the use of said facilities.

The committee report was received on the Consent Calendar and the ordinance adopted.

Mr. Nolan submitted the following report:

Mr. Cavo made a motion to recommend adoption of the ordinances and resolution. Seconded by Ms. Saracino. Motion carried unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a new Chapter to be numbered Chapter 22, entitled, "Weights and Measures", consisting of three sections to be numbered 22-1, 22-2 and 22-3, which said sections read as follows:

Sec. 22-1. Sealer of Weights and Measures

In accordance with the provisions of Section 43-6 of the Connecticut General Statutes, there shall be a sealer of weights and measures to be appointed by the Mayor. The Sealer of Weights and Measures shall perform the same duties and have the same powers within the City of Danbury as are vested in the Commissioner of Weights and Measures for the state except those powers and duties exempted and reserved to the Commissioner of Weights and Measures by regulation promulgated under the provisions of Section 43-3 of the Connecticut General Statutes.

Section 22-2. Weighing and measuring devices.

- (a) Annual license. Pursuant to 43-1 through 43-9 of the Connecticut General Statutes, as amended, it shall be unlawful to operate any commercial weighing and measuring equipment within the City of Danbury unless said device has been licensed by the sealer of weights and measures. Said license shall be valid for a period of one (1) year from the date of issuance. For purposes hereof, "commercial weighing and measuring equipment" shall mean weights and measures and weighing and measuring devices commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, purchased, offered or submitted for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.
- (b) Issuance of license. The sealer of weights and measures shall not issue a weighing and measuring device license unless:
  - (1) Such device has been inspected and approved by the sealer of weights and measures within six (6) months of the date of application;
  - (2) Each applicant furnishes such information relative to the application for a weighing and measuring device license as the sealer of weights and measures shall require; and
  - (3) Each applicant pays an annual license fee to be set by resolution of the Common Council.
- (c) Exemption. Any city-owned weighing and measuring device is hereby exempted from the licensing and payment provisions of this section.
- (d) Penalties. The penalty for a violation of any provision of this section shall be a fine of ninety dollars (\$90.00) per device. Each day of noncompliance shall be considered a separate violation. The penalty established herein shall be in addition to any penalties established by state law.
- (e) In addition to other available means of enforcement this Article may be enforced through the civil citation process by the sealer of weights and measures, pursuant to section 12-34 of the Code of Ordinances.

Sec. 22-3. Register to be kept.

The sealer of weights and measures of the city shall keep a register of the name of each person for whom he has inspected any weight or measure, together with the kind and size of each weight or measure inspected and the result of such inspection, stating which, if any, weights and measures were approved and which, if any, were condemned. This register shall be kept in the office of the sealer and shall be open to public inspection during the office hours of the sealer.

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

THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding paragraph (6) which said paragraph reads as follows:

Sec. 12-34. Citations

(b)(6) The sealer of weights and measures shall be authorized to issue citations imposing fines for violations of the provisions of chapter 22 of the Danbury Code of Ordinances.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Section 22-2 of the Code of Ordinances requires an annual license for all Weighing and measuring devices used in the City of Danbury and provides for an annual fee for said licenses; and

WHEREAS, the fee for said licenses must be adequate to defray the costs incurred by the City of Danbury in performing its governmental responsibilities established pursuant to the provisions of chapter 750 of the Connecticut General Statutes with respect to weights and measures; and

WHEREAS, section 22-2 of the Code of Ordinances requires that said fees be set by resolution of the Common Council; and

WHEREAS, the establishment of the fees described below has been determined to be in the best interests of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Danbury that the following annual schedule of fees is hereby established and approved:

Device Type	Fee
Meters	
Retail Motor Fuel Meter	\$35.00
Taxi Cab Meter	\$35.00
Vehicle Tank Meter	\$70.00
Scales	
0 to 50 pound capacity scale	\$35.00
over 50 pound capacity scale	\$140.00

The committee report was received on the consent calendar and the Ordinances and Resolution adoption.

52 – REPORT & ORDINANCE – Land Use Application Processing Fees; Subdivision; Engineering and Fire Marshall Review

Mr. Nolan submitted the following report:

Mr. Saadi made a motion to recommend adoption of the ordinance. Seconded by Mrs. Basso. Motion carried with Mrs. Stanley voting in the negative.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 11-2, which said section reads as follows:

Sec. 11-2. Land use application processing fees; subdivision; engineering and fire marshal review.

- (a) Purpose. Pursuant to the provisions of section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and Environmental Impact Commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.
- (b) Engineering fees. In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the Engineering Division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three percent (3%) of the estimated cost of construction, but shall not exceed one thousand dollars (\$1,000.00) nor be less than fifty dollars (\$50.00) and in the amount of three hundred dollars (\$300.00) for any application that is withdrawn or rejected and subsequently resubmitted.
- (c) Fire marshal fees. In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three percent (3%) of the estimated cost of construction, but shall not exceed five hundred dollars (\$500.00) nor be less than fifty dollars (\$50.00).
- (d) General subdivision processing fee. Due to the superceding effect of the provisions of this section created by section 8-1c of the Connecticut General Statutes upon the general subdivision processing fee previously provided for by the planning commission in the Subdivision Regulations of the City of Danbury, as amended, said fee is hereby established. The general subdivision processing fee for subdivision applications shall be twenty-five dollars (\$25.00) per lot within the subdivision, but in no case less than fifty dollars (\$50.00).

The committee report was received on the Consent Calendar and the ordinance adopted.

#### 53 – REPORT & ORDINANCE – Regulations Governing Outdoor Fires

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall.

Ms. Saracino made a motion to recommend adoption of the ordinance.  
Seconded by Mr. Urice.

Attorney Gottschalk stated that outdoor fires are prohibited. State Statutes have been amended to allow for burning. Ms. Saracino said you can now get a free permit; this ordinance will allow the City to charge a fee. Fire Marshal Barry Rickert said he currently issues two permits per week. Mr. Barry asked about the impact on the budget. Ms. Diorio said it would be \$1,250.

Mr. Cavo moved the question. Seconded by Ms. Saracino. Motion carried unanimously.

Motion carried with Mr. Visconti voting in the negative.

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

THAT Section 8-30 of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a new subsection to be designated as 8-30(f), which said subsection reads as follows:

Sec. 8-30. Regulations governing outdoor fires.

- (e) Brush burning. Subject to the approval of the Mayor, the Danbury Fire Marshal is hereby designated as the Open Burning Official of the City of Danbury and he, or his designee, is hereby authorized to issue a permit allowing the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident. The burning of brush pursuant to said permits shall be conditioned upon compliance with the requirements of section 22a-174(f) of the Connecticut General Statutes, as amended from time to time and with the requirement of applicable regulations adopted by the commissioner of the Connecticut Department of Environmental Protection. Brush burning may also be conditioned by the fire marshal upon additional terms that, in his judgment, are required to protect the public health, safety and welfare. No brush burning permits shall be issued until the applicant has paid a twenty-five dollars (\$25.00) permit fee.

The committee report was received on the Consent Calendar and the ordinance adopted.

54 – REPORT & ORDINANCE – Citations

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers on May 17, 2004.

Mr. Cavo made a motion to recommend adoption of the ordinance. Seconded by Ms. Saracino. Motion carried unanimously.

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

Section 12-7. Establishment of Penalties for Zoning Regulation Violations: Citation Procedure

- (a) The Zoning Enforcement Officer of the City of Danbury is authorized to issue citations for violations of the Regulations of the City of Danbury to the extent and in the manner provided by this Ordinance and authorized by Section 8-12a of the Connecticut General Statutes. A citation may be issued for any violation of the Zoning Regulations of the City of Danbury. No citation shall be issued unless a written warning is issued providing notice of the specified violation to be corrected. The warning shall explain the citation enforcement procedures which may be used if the alleged zoning violation is not corrected within thirty (30) days of the date of receipt of the warning. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.
- (b) The fine for each citation shall be one hundred fifty (\$150.00) dollars for each day a violation continues, payable to the Treasurer of the City of Danbury. A party receiving a citation shall be allowed a period of thirty (30) days from the date of receipt of the citation to make an uncontested payment of the fine specified in the citation.
- (c) Any citation or warning may be served by hand delivery or certified mail, return receipt requested. If the party named in a citation or warning sent by certified mail refuses to accept such mail, the citation or warning may be sent by regular

United States mail. If the citation or warning has been sent by regular United States mail, the date of receipt shall be deemed to be three (3) business days after the date of mailing.

- (d) The hearing procedure for any citation issued pursuant to this Ordinance shall be in accordance with the provisions of Section 7-152c of the Connecticut General Statutes and Section 12-35 of the Danbury Code of Ordinances, except that no zoning enforcement officer, building inspector or employee of the City of Danbury may be appointed to be a hearing officer.

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

THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding paragraph (7) which said paragraph reads as follows:

Sec. 12-34. Citations.

(b)(7) The Zoning Enforcement Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of chapter 22 of the Danbury Code of Ordinances.

The report was received on the consent calendar and the ordinances adopted.

55 – REPORT & ORDINANCE – Service Charge Imposed for Checks Returned by Insufficient Funds

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on May 17, 2004 in the Common Council Chambers

Mr. Cavo made a motion to recommend adoption of the ordinance. Seconded by Mr. Riley. Motion carried unanimously.

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

THAT Section 18-22 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 18-22. Service charge imposed for checks returned for insufficient funds. The City of Danbury shall impose a twenty-five dollar (\$25.00) service charge with respect to any check returned, without payment, due to the insufficiency of funds within the account upon which the check is to be drawn.

The committee report was received on the Consent Calendar and the ordinance adopted.

56 – REPORT – Request to Connect to Payne Road Sewers in Bethel

Mrs. Stanley submitted the following report:

The Common Council Committee appointed to review the request to connect to Payne Road sewers in Bethel met on May 20, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Stanley, Esposito and Saadi. Also in attendance were Director of Public Works William Buckley and the petitioner, John Bigelow.

Ms. Stanley noted the positive recommendation from the Planning Commission. She then asked Mr. Buckley for an overview of the request. Mr. Buckley explained the plan by Bethel to bring sewers to the Chimney Heights area. Ms. Stanley asked if there were sewers there now. Mr. Buckley said no but this request is not without precedent. There were sewers like this on Coalpit Hill in the past.

Mr. Buckley stated that the City has done a study and the question is what will Danbury have to pay to Bethel to allow the connections. He suggests a two step process: (1) the City enters into an intermunicipal negotiating committee pursuant to Chapter 7 of the State Statutes and (2) if negotiations are successful, then the City would have to access connecting property.

Mr. Saadi made a motion to recommend that the Common Council authorize the Mayor to contact the First Selectman of Bethel to establish an intermunicipal negotiating committee to effectuate the request by Payne Road residents to connect to the Bethel sewer system; and to recommend that the purchase of capacity be made through the usual assessment process. Seconded by Mr. Esposito and passed unanimously.

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

#### 57 – REPORT – Offer from Westville Estates to Donate Land to the City

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the request from Westville Estate to donate land to the City met on May 24, 2004 at 6:00 P.M. In attendance were committee members Nolan and Esposito. Also in attendance were Director of Finance Dena Diorio, Deputy Corporation Counsel Eric Gottschalk, Tax Assessor Colleen Velez, and Council Members Saracino, Seabury and Teicholz, ex-officio.

Mr. Nolan noted the negative report from the Planning Commission. Attorney Gottschalk stated that all parcels of land are unique and it is difficult to draw a general rule. Open space parcels exist all over the City. The general rule is that we do not acquire them. They pose a liability and acquiring them poses no great benefit to the City.

Ms. Velez said that there are several pieces being offered, one for open space and others being parcels "X" and "Y". Ms. Velez said there is no tax due on the open space parcel and about \$90 per year on the other parcels. Ms. Diorio stated that there are retention ponds on the open space parcel and it would present a significant liability to the City if we accept them. Attorney Gottschalk stated that the retention basins are an eternal maintenance responsibility and includes the possibility that it could do great damage if it escapes.

Mr. Esposito made a motion to recommend to the Common Council not to accept the offer of land and to take no action at this time. Seconded by Mr. Nolan. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendations adopted.

58 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Public Works, Department of Elderly Services, Welfare and Social Services, Parks and Recreation, Health and Housing. Mr. Nolan made a motion that the department reports be accepted as submitted and the reading waived as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Nagarsheth. Motion carried unanimously.

#### 59 – COMMUNICATION & RESOLUTION – Homeland Security Grant Application

Mr. Nolan made a motion that the communication and resolution regarding a Homeland Security Grant application be added to the agenda. Seconded by Mr. Cavo. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Homeland Security, Office of Domestic Preparedness has awarded a 32.4 million dollar State Homeland Security Grant to the State of Connecticut for the fiscal year 2004; and

WHEREAS, the Department of Public Safety, Division of Homeland Security of the State of Connecticut has been designated as the State Administrative Agency authorized to contract with the City of Danbury for a local share of said grant; and

WHEREAS, grant funds in the amount of five hundred and eleven thousand one hundred and fifty-eight dollars (\$511,158) are available to the City of Danbury under the aforesaid grant program for the purpose of equipment, training, planning and exercise needs of our local emergency first responders; and

WHEREAS, acceptance of the foregoing grant is in the best interests of the residents of the City of Danbury.

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 enter into a Memorandum of Understanding between the State of Connecticut, Department of Public Safety and the City of Danbury with respect to the acceptance of said funds, to designate the State Administrative Agency to administer said allocation on behalf of the City and to take any additional action that may be necessary to effectuate the purposes hereof.

Mr. Cavo made a motion to receive the communication and adopt the resolution. 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. Cavo for the meeting to be adjourned at 9:50 P.M.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

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MARK D. BOUGHTON  
Mayor

