

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

RE: Minutes of the Common Council Meeting held July 7, 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 – Trombetta, Calandrino, Saadi, Visconti, Steinerd, Urice, Esposito, Nolan, Saracino, Cavo, Teicholz, Nagarsheth, Payton, Riley, Stanley

ABSENT – McMahon, Burns, Barry, Basso, Seabury

15 Present – 5 Absent – 1 Vacancy

Mrs. McMahon, Mr. Barry, Mrs. Basso and Mr. Seabury were out of town and Ms. Burns was working.

PUBLIC SPEAKING

Joanne Lynch, Middle River Road – spoke regarding item 24.

David Coelho, 52 Aunt Hack Road – Asked about the changes in the Woodlands Group project.

Eli Chory, 30 Main Street – Asked to have the sewer easement condemned on Claremont Terrace.

Charlotte Barrows, 55 Hospital Avenue – Spoke regarding item 42, Woodlands Group

MINUTES – Minutes of the Common Council Meeting held June 2, 2004. Mr. Nolan made a motion to adopt the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Cavo. Motion carried unanimously.

CONSENT CALENDAR

Ms. Saracino offered the following items for the consent calendar:

5 – Receive the communication and adopt the Resolution.

6 – Receive the communication and adopt the Resolution.

8 – Receive the communication and adopt the Resolution.

9 – Receive the communication and adopt the Resolution

10 – Receive the communication and adopt the Resolution.

11 – Receive the communication and adopt the Resolution.

13 – Receive the communication and confirm the appointment of Eric L. Gottschalk, Dena Diorio, Paul Galvin, Michael Calandrino and Frederick Visconti, Jr. as representatives of the City of Danbury in negotiating intermunicipal sewer agreements with Bethel and Brookfield.

15 – Receive the communication and confirm the appointment of Arnold E. Finaldi, Jr. as an alternate member of the Planning Commission.

16 – Receive the communication and confirm the appointment of Matthew N. Rose as an alternate member of the Environmental Impact Commission.

23 – Receive the communication and approve the allocation of \$5,600 into the Parks Department Maintain Lands & Grounds line item for the purpose of mowing trails and meadows at Bear Mountain Reservation.

28 – Receive the communication and approve a standard extension of the sanitary sewer extension previously authorized on August 6, 2002 for Starr Road.

31 – Receive the communication, take no action and refer to Fifth Ward Common Council Members to advise the inquiring resident on procedures for sewer extension requests.

35 – Receive the communication and take no action at this time.

37 – Receive the committee report and adopt the Resolution regarding final sewer assessments for the Germantown Area Phase II project.

39 – Receive the committee report and adopt the committee's recommendation

40 – Receive the committee report and adopt the committee's recommendation

41 – Receive the committee report and adopt the committee's recommendation

42 – Receive the committee report and adopt the committee's recommendation

43 – Receive the committee report and adopt the Ordinance change.

44 – Receive the committee report and adopt the committee's recommendation.

45 – Receive the committee report and adopt the committee's recommendation.

46 – Receive the committee report and adopt the committee's recommendation.

47 – Receive the committee report and adopt the committee's recommendation.

48 – Receive the committee report and adopt the committee's recommendation.

49 – Receive the committee report and adopt the committee's recommendation.

Mr. Cavo made a motion to adopt the consent calendar. Seconded by Mr. Nolan. Mr. Cavo made a motion to amend items 40 and 41 authorizing the Mayor to execute all necessary documents with Boehringer Ingelheim. Seconded by Mr. Nolan. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

1 – COMMUNICATION – Appointment to Fill Seventh Ward Common Council Vacancy

Letter from Republican Town Committee Chairman Wayne Baker recommending that N. Jane Diggs be appointed to fill the seventh ward Common Council vacancy. Mr. Nolan made a motion to receive the communication and nominate N. Jane Diggs to fill the seventh ward vacancy. Seconded by Mrs. Teicholz. There were no other nominations. Motion carried unanimously.

Mrs. Diggs was sworn in by Corporation Counsel Robert Yamin and escorted to the dais by Council President Vincent Nolan.

2- ORDINANCE – Retirement Incentive Program – Board of Education

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

3 – ORDINANCE – Deferral of Assessment Increases Attributable to Construction

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

4 – COMMUNICATION & RESOLUTION – Claremont Terrace

RESOLVED by the Common Council of the City of Danbury:

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

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

WHEREAS, the owner of Claremont Terrace is unwilling to grant utility easements within said road and eminent domain proceedings will therefore be necessary to acquire the interests to be taken and to the easements within said road.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire utility easements within Claremont Terrace on or before December 1, 2004, either by eminent domain through the institution of suit against the property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

Ms. Saracino made a motion to deny acceptance as a City road, approve condemnation of the easement and adopt the resolution. Seconded by Mr. Nolan. Motion carried unanimously.

5 – RESOLUTION – Non-Union Employees

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, there are many officers and employees of the City of Danbury who are not represented by unions or collective bargaining associations and whose rights, privileges and benefits of employment are therefore not established by collective bargaining agreements; and

WHEREAS, in recognition of their dedication to the City of Danbury and the spirit of excellence with which they perform their service to the public a corresponding commitment to them is in the best interests of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT all officers and employees not represented by unions or collective bargaining associations shall retain all of the rights privileges and benefits that they presently enjoy, such as, but not limited to, sick time, compensatory time, vacation time and retiree medical benefits, effective July 7, 2004 through December 1, 2005.

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

6 – RESOLUTION – RDA Parcel 9

RESOLVED by the Common Council of the City of Danbury:

**RESOLUTIONS FOR ASSIGNMENT OF CERTAIN INCREMENTAL
TAX REVENUES TO CBRA**

WHEREAS, pursuant to Public Act 01-179 and Sections 32-1a through 32-23yy of the Connecticut General Statutes, as amended by Public Act 01-179 (together the “Enabling Legislation”), for the purpose of assisting a “remediation project”, as defined in the Enabling Legislation, the Connecticut Brownfields Redevelopment Authority (the “CBRA”), a subsidiary of the Connecticut Development Authority (“CDA”) formed pursuant to Section 32-11a(l) of the Connecticut General Statutes, is authorized, upon resolution of the legislative body of a municipality, to issue and administer bonds, notes or other obligations which are payable solely or in part from and secured by: (A) a pledge of and lien upon any or all of the income, proceeds, revenues and property of a remediation project, including the proceeds of grants, loans, advances or contributions from the federal government, the state or any other source, including financial assistance furnished by the municipality or any other public body; (B) taxes or payments or grants in lieu of taxes allocated to and payable into a special fund of the CBRA, or (C) any combination of the foregoing; and

WHEREAS, a “remediation project” as defined in subsection (ii) of Section 32-23d of the Connecticut General Statutes, as amended by Public Act 01-179, means any project (1) involving the development or redevelopment of real property within this State that (A) has been subject to a spill, as defined in Section 22a-452c, (B) is an establishment, as defined in subdivision (3) of Section 22a-134, (C) is a facility, as

defined in 42 USC 9601(9), or (D) is eligible to be treated as polluted real property for purposes of Section 22a-133m or contaminated real property for purposes of Section 22a-133aa or Section 22a-133bb, provided the development or redevelopment is undertaken pursuant to a remediation plan meeting all applicable standards and requirements of the Department of Environmental Protection, (2) that the CBRA determines will add or support significant new economic activity or employment in the municipality in which such project is located or will otherwise materially contribute to the economic base of the state or the municipality, and (3) for which assistance from the CBRA will be needed to attract necessary private investment; and

WHEREAS, the City of Danbury (the "Municipality"), acting through its legislative body, wishes to request that the CBRA issue and administer a note of the CBRA to the CDA pursuant to the Enabling Legislation (the "Note"), in an aggregate principal amount of up to \$500,000.00], with interest at a rate to be determined which principal amount shall include the reimbursement of the provider of or reimbursement party with respect to any guarantee or letter of credit used to secure the payment of the Note, to the extent of any payments made therefrom, including reimbursement to the CDA to the extent of any payments by the CDA of costs of issuance or administration with respect to the Note or any other expenses incurred by the CDA in providing financial assistance for the Project, for the purpose of assisting the acquisition, development or redevelopment of real property and the construction of improvements within the Municipality on a certain piece or parcel of land shown as "Disposition Parcel 9" on a certain map entitled "City of Danbury Engineering Department Danbury Redevelopment Agency Disposition Parcel 9 Patriot Drive and Pahquioque Avenue Danbury, Connecticut Scale: 1" = 20' July 16, 2003", which map is attached hereto as Exhibit A and made a part hereof, and which parcel is hereafter referred to as the "Property", for purposes of construction of an office building and other improvements on the Property pursuant to a Redevelopment Plan adopted by the Municipality pursuant to C.G.S. §8-127, et seq. (the "Project") as a "remediation project", as defined above, which Project is to be constructed by Patriot Plaza Associates, Inc. (the "Owner") pursuant to a certain draft agreement between the Municipality and the Owner (the "Redevelopment Agreement") which is now under negotiation and

WHEREAS, the Project will involve the productive reuse of polluted or contaminated real property and will add or support significant new economic activity or employment in the Municipality and the Municipality has determined that participation in the CBRA's tax increment financing program for remediation projects on the terms and conditions set forth in the following resolutions is in the best interests of the Municipality; and

WHEREAS, to secure and provide for the payments of the Note as contemplated by the Enabling Legislation and in consideration of such financial assistance from the CBRA for the Project, the Municipality and all other taxing agencies in the Municipality (collectively, the "Taxing Agencies") are prepared to (i) pledge to the CBRA and grant to the CBRA a lien upon certain incremental municipal property tax revenues with respect to the Project for deposit to a special fund of the CBRA, for the purpose of payment of the Note, and (ii) authorize the CBRA to exercise with respect thereto the rights provided for in Section 12-195h of the Connecticut General Statutes of an assignee for consideration of any lien filed to secure the payment of such taxes, all pursuant to the Enabling Legislation and as more specifically provided in the following resolutions; and

WHEREAS, in order to consummate the above-described transactions, the Municipality needs to authorize the execution and delivery of the following documents: the Assignment, the form of which is attached to these resolutions; the Financial Assistance Agreement, the form of which is attached to these resolutions; and any other documents necessary or appropriate to consummate and give effect to the transactions contemplated by these resolutions; and

WHEREAS, the pledge to the CBRA of and grant to the CBRA of a lien upon such incremental property tax revenues shall be evidenced in the Assignment, which shall provide, among other things, that (A) in each fiscal year (i) that portion of the assessed taxes which would be produced by applying that fiscal year's tax rate of each of the Taxing Agencies to the total sum of the assessed value of the Project on the date of adoption of these resolutions shall be allocated to and when collected shall be paid into the funds of the respective Taxing Agencies in the same manner as taxes by or for said Taxing Agencies on all other real property are paid, and (ii) that portion of such assessed real property taxes in excess of the amount referred to in subdivision (i) above (the "Incremental Property Tax Revenues") shall be allocated to and when collected

shall be paid into a special fund of the CBRA to be used in each fiscal year to pay the Note; (B) unless and until the total assessed valuation of the Project for real property tax purposes exceeds the total assessed value of the Project on the date of adoption of these resolutions, all of the real property taxes levied and collected upon the Project shall be paid into the funds of the respective Taxing Agencies; (C) such Assignment shall remain in effect and the Incremental Property Tax Revenues when collected shall continue to be paid over to such special fund of the CBRA through and including the date on which the CBRA has received Incremental Property Tax Revenues in an aggregate amount sufficient to pay and discharge in full the Note, and all moneys thereafter received from taxes upon the Project shall be paid into the funds of the respective Taxing Agencies in the same manner as taxes on all other real property are paid; and (D) the CBRA may exercise the rights provided for in Section 12-195h of the Connecticut General Statutes of an assignee for consideration of any lien filed to secure the payment of the Incremental Property Tax Revenues; and

WHEREAS, the Financial Assistance Agreement shall generally set forth the requirements for requisition and disbursement of the Grant (as defined below), conditions and limitations related to the use of the Grant, procedures for approval of Project plans and specifications, reporting requirements and covenants, insurance requirements, applicable legal requirements, events of default and default remedies, and other appropriate covenants, representations and warranties as may be reasonably required by the CBRA consistent with the Enabling Legislation, and in such Financial Assistance Agreement the Municipality will represent and warrant that the Assignment is in full force and effect and reaffirm its obligations under the Assignment; and

WHEREAS, it is intended that the following resolutions constitute all necessary and sufficient action by and on behalf of the Municipality to authorize participation in the CBRA's tax increment financing program for remediation projects pursuant to the Enabling Legislation, all on the terms and conditions set forth in the following resolutions;

THEREFORE, BE IT RESOLVED BY the Common Council of the City of Danbury:

Section 1. The participation by the Municipality in the CBRA's tax increment financing program for remediation projects is hereby authorized and approved with respect to the Project subject to the conditions hereinafter recited, and the Municipality hereby requests that the CBRA issue and administer the Note for the purpose of assisting the Project. The Mayor of the Municipality, "Authorized Officer"), is authorized to prepare, execute and submit to the CBRA an application and other necessary information with respect to the Municipality and the Project (the "Application"), as may be required by the CBRA in connection with the tax increment financing program.

Section 2. The pledge to the CBRA of and grant to the CBRA of a lien upon the Incremental Property Tax Revenues with respect to the Project to secure and provide for the payment of the Note, the grant to the CBRA of the rights provided for in Section 12-195h of the General Statutes of an assignee for consideration of any lien filed to secure the payment of the Incremental Property Tax Revenues and the form of the Assignment are all hereby authorized and approved; and

Section 3. The execution and delivery by the Municipality of the Financial Assistance Agreement with the CBRA and the Owner relating to the use of the Brownfields grant (the "Grant"), which Grant will be made from the proceeds of the Note for purposes of assisting the Project, is hereby authorized and approved.

Section 4. The Mayor is authorized on behalf of the Municipality to execute and deliver the Application, the Assignment, the Financial Assistance Agreement and any and all other agreements, documents, instruments, certificates and notices, including making such representations or agreements and taking such further action as are necessary or appropriate to consummate and give effect to the transactions contemplated by these resolutions.

Section 5. For purposes of these resolutions, references to the CDA and the CBRA shall include any governmental or other entity succeeding generally to the rights and interests of the CDA or CBRA, respectively, by operation of law and any assignee of the rights and interests of the CDA or CBRA, respectively, under and pursuant to the Assignment or the Financial Assistance Agreement.

Section 6. The Municipality does hereby pledge and agree with the CBRA that the Municipality will not limit, alter or terminate the rights vested in the CBRA pursuant to these resolutions, the Assignment, the Financial Assistance Agreement or any other agreement necessary or appropriate to consummate and give effect to the transactions contemplated by these resolutions until the Note has been paid and discharged in full.

Section 7. Notwithstanding any other provision of these resolutions, the Municipality's participation in and obligations under the transactions contemplated by these resolutions shall be contingent upon the successful negotiation and execution by the Municipality, the Redevelopment Agency of the City of Danbury, and the Owner, of the Redevelopment Agreement and the transfer of title to the Property to the Owner pursuant to said Redevelopment Agreement.

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

7 – RESOLUTION – Exemption from Disclosure of Alarm Registration Information

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the proliferation of burglar and fire alarm systems to which the Danbury Police and Fire Departments are required to respond has increased steadily over the past decade; and

WHEREAS, a significant percentage of said alarm systems to which the Danbury Police and Fire departments respond are false alarms; and

WHEREAS, the improper installation, use and maintenance of said alarm systems creates a hazard to the members of said Departments; and

WHEREAS, the City of Danbury adopted a Fire and Burglar alarm registration and false alarm penalty ordinance in order to address the problem of said false alarms; and

WHEREAS, said ordinance requires businesses and homeowners that install said alarm systems to provide personally identifying information to the City of Danbury as part of the registration process; and

WHEREAS, said information, including the names, address and phone numbers of said owners, and two other persons with access to said businesses' and homeowners' alarm systems, is not expressly exempt from disclosure pursuant to the State of Connecticut Freedom of Information Act, Connecticut General Statutes Section 1-210; and

WHEREAS, the City of Danbury desires to maintain such personally identifying information collected and maintained by the City of Danbury exempt from public disclosure in order to protect the privacy and security of said businesses, homeowners and said other persons with access to said businesses' and homeowners' alarm systems.

NOW, THEREFORE, BE IT RESOLVED THAT in recognition of these privacy and security concerns, the Common Council of the City of Danbury does hereby respectfully urge the General Assembly of the State of Connecticut to amend the provisions of section 1-210 by modifying subsection (b) of section 1-210 to include an exemption from disclosure of documents, or the relevant sections thereof, that include the names, addresses or telephone numbers of persons contained in any fire or burglar alarm registration list collected and maintained by the State, any political subdivision thereof, or any public safety agency or department thereof.

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

8 – RESOLUTION – Per Capita Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita funds available for 2004-2005 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for \$72,301.98 with no local match required will be processed by the Danbury Health and Housing Department for a grant term of July 1, 2004 through June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Mark D. Boughton is hereby authorized to apply for and accept said per capita grant funds of \$72,301.98 to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

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

9 – RESOLUTION – Nitrogen Removal Study

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the cost of the nitrogen study is \$42,000.00; and

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

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

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

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

10 – RESOLUTION – Backus Avenue Sanitary Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding through plans and designs to extend sanitary sewers along Backus Avenue; and

WHEREAS, the property to be acquired is described and identified in EXHIBIT A attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement set forth on EXHIBIT A attached hereto, in accordance with procedures established by State law,

either by negotiation or eminent domain through the institution of suit against the interested property owner and holders of mortgages encumbering the properties, if any, by January 1, 2005.

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

11 – RESOLUTION – Jackson Drive Area Sanitary Sewer Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding through plans and designs to make necessary improvements to the Jackson Drive area sanitary sewer; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q, attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P AND Q attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by January 1, 2005.

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

12 – COMMUNICATION – Appointments to the Fire Department

Letter from Mayor Mark Boughton requesting confirmation of the following appointments as firefighters:

Mr. Jean Reed Boulliaane, 12 Hollis Drive, Brookfield. Mrs. Payton made a motion to receive the communication and confirm the appointment of Mr. Boulliaane. Seconded by Ms. Saracino. Motion carried unanimously.

Mr. James Lillis, 28 Sarah Stanford Road West, Bridgewater. Mr. Steinerd made a motion to confirm the appointment of James Lillis. Seconded by Mr. Urice. Motion carried unanimously.

Mr. Terence Timan, 18 Triangle Street, Danbury. Mr. Esposito made a motion to confirm the appointment of Terence Timan. Seconded by Mr. Saadi. Motion carried unanimously.

13 – COMMUNICATION – Intermunicipal Negotiations

Letter from Mayor Mark D. Boughton requesting confirmation of the appointments of Eric L. Gottschalk, Dena Diorio, Paul Galvin, Council Member Michael Calandrino and Council Member Frederick Visconti to represent Danbury in intermunicipal negotiations. The appointments were confirmed on the Consent Calendar.

14 – COMMUNICATION – Appointments as Alternate Members of the Richter Park Authority.

Letter from Mayor Boughton requesting confirmation of the appointments of Paul A. DiNardo and Leonard J. Cagianello as alternate members of the Richter Park Authority for terms to expire September 1, 2006. Mr. Riley made a motion to receive the communication and confirm the appointments. Mr. Nolan made a motion to amend to reflect that the appointments will take effect upon enactment of the enabling ordinance. Seconded by Mr. Cavo. Motion to amend carried unanimously. Main motion as amended carried unanimously.

15 – COMMUNICATION – Appointment as Alternate Member on the Planning Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Arnold E. Finaldi, Jr. as an alternate member of the Planning Commission for a term to expire January 1, 2007. The appointment was confirmed on the Consent Calendar.

16 – COMMUNICATION – Appointment as Alternate Member of the EIC

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Matthew N. Rose as an alternate members of the Environmental Impact Commission for a term to expire December 1, 2006. The appointment was confirmed on the Consent Calendar.

17 – COMMUNICATION – Donation for Employee Appreciation Picnic

Letter from Mayor Mark D. Boughton requesting permission to accept a donation in the amount of \$500 from A. M. Rizzo Electrical Contractors to assist with the costs of the employee appreciation picnic to be held on July 2, 2004.

Mrs. Teicholz made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Ms. Saracino. Motion carried with Mr. Visconti voting in the negative.

18 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation of a protective canopy from Home Depot. Mr. Urice made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

19 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$35 from Catherine Pawlinski. Mr. Trombetta made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Visconti. Motion carried unanimously.

20 – COMMUNICATION – Donation to the Welfare Department

Letter from Welfare Director Deborah MacKenzie requesting permission to accept a donation in the amount of \$600 from the Danbury/New Fairfield Women's Club to the Emergency Shelter for the purchase of a freezer. Mrs. Payton made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

21 – COMMUNICATION – Donations to the Department of Elderly Services

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

22 – COMMUNICATION – Donation to the Still River Greenway Project

Letter from Director of Finance Dena Diorio requesting permission to accept a donation in the amount of \$2,500 from the Branson Corporation to support improvements to the Still River Greenway project. Mr. Calandrino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Urice. Motion carried unanimously.

23 – COMMUNICATION – Bear Mountain Park

Request from Director of Parks and Recreation Robert Ryerson to use the accrued funds from the past rental receipts at the Bear Mountain cottage to perform the mowing of the meadows and trails during fiscal year 2004-05. A certification of funds was attached. The communication was received on the Consent Calendar and the allocation of \$5,600 into the Parks Department Maintain Lands & Grounds line item approved.

24 – COMMUNICATION – Director of Personnel

Mr. Cavo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Personnel and a representative of the Mayor's Office. Mayor Boughton so ordered and appointed Council Members Nolan, Saracino and Esposito to the committee.

25 – COMMUNICATION – Public Building Use Policy

Mr. Nagarsheth asked that this be referred to an ad hoc committee, the Superintendent of Public Buildings, the Corporation Counsel and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Nolan, Trombetta and Saadi to the committee.

26 – COMMUNICATION – Acceptance of Maple View Lane

Mr. Cavo asked that this be referred to the Corporation Counsel, the Director of Public Works and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

27 – COMMUNICATION – Modification of Easement – Lot B, Aunt Hack Road

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

28 – COMMUNICATION – Extension of Time for Sewer Extension – Starr Road

The communication was received on the Consent Calendar and a standard extension of the sanitary sewer extension previously authorized on August 6, 2002 for Starr Road approved.

29 – COMMUNICATION – Request for Sewer and Water Extensions, 42-44 Briar Ridge

Mr. Saadi asked that this be referred to an ad hoc committee, the Superintendent of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Teicholz, Diggs and Visconti to the committee.

30 – COMMUNICATION – Request for Sewer and Water Extension – 38 Oil Mill Road

Mr. Riley asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members McMahon, Burns and Barry to the committee.

31 – COMMUNICATION – Sewers on Southern Boulevard

The communication was received on the Consent Calendar, no action taken and referred to the Fifth Ward Common Council Members to advise the inquiring resident on procedures for sewer extension requests.

32 – COMMUNICATION – Report from Planning Commission regarding Wilkes Road

Mrs. Payton asked that this be referred to the City Engineer to begin the assessment process. Mayor Boughton so ordered.

33 – COMMUNICATION – Report from Planning Commission regarding Foley Lease

Mr. Cavo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Superintendent of Schools. Mayor Boughton so ordered and appointed Council Members Saracino, Riley and Visconti to the committee.

34 – COMMUNICATION – Report from Planning Commission regarding Sewers on Karen Road

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

35 – COMMUNICATION – Sewer Easement on Claremont Terrace

Letter from Attorney Elie Coury requesting that the Common Council authorize the condemnation of the sewer easement over Claremont Terrace. The communication was received on the Consent Calendar and no action taken.

36 – REPORT & ORDINANCE – Parking Fines

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review parking ordinances met on June 14, 2004 at 7:30 in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Basso and Esposito. Also in attendance were Assistant Corporation Counsel Les Pinter, Captain Dan Mulvey of the Police Department and Council Members Seabury and Calandrino, ex-officio.

Mr. Cavo asked Mr. Seabury for an explanation of his request. Mr. Seabury stated that he received telephone calls from the Crescent Drive and Park Avenue area regarding cars parked in no parking areas. Since the Common Council has jurisdiction over parking fines he would like to strengthen the ordinance.

Attorney Pinter stated that the Common Council adjusted the fines by ordinance from a minimal amount up to \$25 or \$50. The maximum fine is \$100. This was done two years ago. Fines would be doubled if not paid within a certain timeframe. Section 19-4 was amended to list the violations and the amounts of the fines. Subsection 2 was amended by capping the fines and permitting the penalty. State statutes contain other language for infractions and general caps. Mr. Cavo asked if the \$100 limit includes the 30 days timeframe in which to pay? Could it double to \$200? Attorney Pinter said that would have to be tested. By ordinance you cannot exceed \$100.

Captain Mulvey stated that his department concentrates on moving violations. He has now been assigned an additional officer to do traffic enforcement. A few more officers are needed as the City keeps growing. In addressing the parking issue in Rogers Park, Captain Mulvey stated that in the past, beginning on Memorial Day, the City used special police officers. He believes that again using these officers, the problem can be solved. Mrs. Basso asked about parking on the grass. Captain Mulvey said that is a zoning problem and the Police Department does not have authority over it. Attorney Pinter said that as long as no parking on grass signs are posted, it could be enforced. Signage is the resolution.

Mr. Calandrino asked if the revenue from the payment of violations could be used to put more officers on this problem? Captain Mulvey said special officers are paid \$17 or \$18 per hour. They are full-fledged officers with the same training. Mr. Seabury said if we increase the fines and have specials going out, we could start to remedy the situation. Taking the fine money and putting it back into the police budget would help. Captain Mulvey agreed. Mr. Esposito said that the ordinance is in place. The problem is with enforcement. We should look into finding some money to put some extra help on in this area. Mrs. Basso said no overnight parking signs should be put up in the parks.

Mrs. Basso made a motion to change section 19-4 of the parking ordinance by increasing all \$25 fines to \$50 and to have the placement of signs in the parks by order

of the Chief of Police or Traffic Authority. Seconded by Mr. Esposito. Motion carried unanimously.

Mr. Urice asked that the Ordinance be deferred to public hearing. Mayor Boughton so ordered.

37 – REPORT & RESOLUTION – Final Sewer Assessment – Germantown Area Phase II

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole on June 28, 2004 in the Common Council Chambers immediately following a public hearing.

Mr. Seabury made a motion to recommend approval of the final sewer assessments for the Germantown Area Phase II project. Seconded by Mr. Visconti. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Germantown Area Phase II Sanitary Sewer; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of sewer benefit assessments in connection with the Germantown Area Phase II Sanitary Sewer:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be one-nineteenth (1/19) of that total assessment specified for each property in the List of Final Assessments.
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.34 percent (4.34%). Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessment shall be filed in the Town Clerk's Office on July 9, 2004. An appeal to the Superior Court from such assessment must be taken within 21 days of such filing.

The committee report was received on the Consent Calendar and the resolution regarding final sewer assessments for the Germantown Area Phase II project adopted.

38 – REPORT – Christopher Columbus Memorial

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review a Christopher Columbus Memorial met on June 23, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Saracino and Esposito. Also in attendance were Michael McLachlan, Administrative Assistant to the Mayor, Tony Iapuluccio, Evo Butera, Frank Serra, Louis DePaul, Tony Sacco and Tony Verella from the Vespucci Lodge.

Mr. Serra stated that almost every city in the Country has a memorial to Christopher Columbus. They would like to know what is available for them to look at. Mr. McLachlan said that renaming streets is a recent occurrence. Even schools are not after people. The Mayor has set up a committee to look at the naming of bridges. Mr. McLachlan stating that renaming West Kenosia Avenue to Christopher Columbus Avenue may be the way to go since there are only three businesses on that street, two of which are going to relocate. He pointed out that entire parks have not been named for individuals, but small pocket parks have. Mr. DePaul asked if it would be a big task to rename Kenosia Park. Mr. McLachlan said it is not a big task, but it has never been done before.

Mr. Esposito said Kenosia Park would be an ideal location. As you drive into Kenosia Park there is a small circle now decorated with flowers. A monument or stone with a flag could be placed there and it could be called Christopher Columbus Circle. Mr. DePaul said he spoke with Hugo Greco and he suggested a monument about three and a half feet tall with a picture of Columbus. How would make a medal and they would work on the inscription together.

Mr. Serra said he would like to rename Kenosia Park to be changed to Christopher Columbus Park. Mr. Nolan would like it to be some place where there could be a monument. He sees no problem with renaming the park, but a title search would have to be done to insure there are no restrictions on this and perhaps a public hearing would also be necessary. Ms. Saracino said the only reference she could find regarding the name of Kenosia Park was that the name first appeared around the turn of the century. She could not find any reason for the name. Mr. Esposito said the best bet would be to name something that does not already have a name. Mr. Nolan said the ideal situation would be to wrap this up by October so there can be a dedication on Columbus Day.

Mr. McLachlan suggested renaming West Kenosia Avenue to Christopher Columbus Avenue and also erecting a monument at the entrance to Kenosia Park. Ms. Saracino asked who would maintain the memorial? Mr. Esposito suggested that the City maintain it.

Ms. Saracino made a motion to recommend that West Kenosia Avenue be renamed Christopher Columbus Avenue and designate the circle at the front of Kenosia Park as Christopher Columbus Circle. The Vespucci Lodge will design the Circle and raise the funds for it. A dedication will be held on Columbus Day. Seconded by Mr. Esposito. Motion carried unanimously.

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

39 – REPORT – Request to Install Driveway on Long Ridge Road

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review a request to install a driveway on Long Ridge Road met twice, first on February 17, 2004 and on June 15, 2004. In attendance at the February 17th meeting were committee members Basso and Barry. Also in attendance were Director of Public Works William Buckley, Keith Beaver of

Didona Associates and Council Members Teicholz and Cavo, ex-officio. In attendance at the June 15, 2004 meeting were committee members Basso, Barry and Visconti, as well as Director of Public Work William Buckley, the petitioner Jennifer Thomas, Planning Director Dennis Elpern and Council Members Cavo and Nagarsheth, ex-officio.

At the February 17th meeting Mrs. Basso asked Mr. Beaver to explain the request. He stated that the owner had always had access through a travel way and now they no longer have the access they need for oil delivery trucks. He is proposing a small driveway apron at the end of the road that would be up to City standards. From the point of the apron, the rest would be a gravel driveway. A report submitted by Mr. Elpern stated that this would need a permit from the Highway Department. There was a positive recommendation from the Planning Commission.

Mr. Buckley stated that the driveway, as proposed, is unsafe. Mr. Buckley submitted a report from Traffic Engineer Abdul Mohammed listing the concerns such as the restricted site lines, the width of the proposed driveway and a problem with a gravel portion of the driveway. Mr. Buckley stated that he does not think he would issue a permit for this because it does not meet zoning regulations. Mr. Buckley asked Mr. Beaver why he did not bring the road back on the other side of the property? Mr. Beaver stated that they have a septic system and three foot walls. He would have to look into the septic fields. Mr. Buckley suggested that Mr. Beaver work with Mr. Mohammed to come up with a design and report back to the committee.

At the June 15th meeting, Mrs. Basso asked Mr. Buckley for an overview of the situation. Mr. Buckley said that Mr. Beaver was supposed to work with Abdul Mohammed to come up with a better design. The petition is before the Common Council because it is a scenic road and his concerns would be the same even if it were not a scenic road. The major concern is the site line.

Mr. Elpern stated that he does not believe that the width of the driveway requiring ten feet applies to a single family home. Ms. Thomas stated that she hopes to be able to have oil delivered to the cottage on the property, but it is unsafe without a driveway. She stated that the issues regarding footage for pavement and driveway width have been answered. She is flexible with the design of the driveway, but there is no other way to put the driveway in without changing the property.

Mr. Barry asked if the Common Council approves driveway cuts? Mr. Buckley said it does not. The Common Council's function is to approve a driveway entrance onto a scenic road. Mr. Barry stated that it does not seem to have any impact on the scenic road. The issue is safety. He asked if the Common Council has jurisdiction to rule on that. Mr. Buckley said the issue is before the committee because he did not issue a permit.

Mr. Barry made a motion that the construction of a driveway be approved provided that a driveway permit can be issued by the Director of Public Works consistent with normal review procedures. Seconded by Mr. Visconti. Motion carried unanimously.

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

40 – REPORT – Application for Deferral of Assessment Increases for Personal Property – Boehringer Ingelheim

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the application for deferral of assessment increases for personal property for Boehringer Ingelheim met on June 22, 2004 at 7:00 P.M. In attendance were committee members Basso, Nagarsheth and Saadi. Also in attendance were Director of Finance Dena Diorio, Tax Assessor Colleen Velez, Deputy Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Executive Director of Site Services for Boehringer Ingelheim John Hardiman, Associate General Counsel for Boehringer Ingelheim Bruce Banks and Council Members Cavo, Urice and McMahon, ex-officio.

Ms. Diorio stated that the assessed value is \$85,493,000 including the Union Carbide property. The deferral on personal property is for equipment not subject to the

state's exemption program. The amount under consideration is \$30,520,000 and we would receive money back from a state pilot program. Personal property would be put in place in 2008 and will run until 2015.

Mr. Saadi asked if all of the \$30,520,000 exemption is attributable to new construction at the facility and if there is new construction and renovations happening. Ms. Diorio said yes to both questions. Mr. Saadi asked how much personal property is going to be located in new construction, renovated property or existing structures not being renovated? Ms. Diorio said \$3,900,000 would be in the lab. Other renovations will be \$15,600,000 and machinery and software at approximately \$6,000,000. Mr. Saadi said we want to make sure we do not establish a precedent of deferring assessments for personal property. This is to encourage new personal property on new construction.

Mr. Nagarsheth made a motion to recommend approval of the application for deferral of assessment increases for personal property for Boehringer Ingelheim. Seconded by Mr. Saadi. Motion carried unanimously.

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

41 – REPORT – Application for Deferral of Assessment Increases for Boehringer Ingelheim

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the application for deferral of assessment increases for Boehringer Ingelheim met on June 22, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Basso, Nagarsheth and Saadi. Also in attendance were Director of Finance Dena Diorio, Tax Assessor Colleen Velez, Deputy Corporation Counsel Eric Gottschalk, Planning Director Dennis Elpern, Associate General Counsel for BI Bruce Banks, Executive Director for Site Services at BI John Hardiman and Council Members Cavo, McMahon and Urice, ex-officio.

Ms. Diorio said this request is on real property. The assessed value of the Ridgebury property is \$22,422,000 and the assessed value of the Carbide property is \$80,500,000. Mr. Elpern state that his job was to make sure that the application complies with section 18-25 of the Code of Ordinances and it does. The decision is up to the Common Council. Ms. Velez stated that the years of deferral depend on the construction costs. It is a matter of law rather than a discretionary issue.

Attorney Gottschalk said that the statute refers to three different levels of deferrals. The deferral of assessment increases is attributable to the cost of construction. The State has different values and years that can be applied. For improvements of \$3,000,000 or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven years; for improvements of \$500,000 or more, the entire increase may be deferred each year for a period not to exceed two years and for improvements which value not less than \$100,000, fifty percent of the increased assessment may be deferred each year for a period not to exceed three years.

Attorney Gottschalk said a small wrinkle in this application is that some of the buildings are to be leased by Boehringer and some are on existing sites. The improvements we are concerned with are in Danbury. There will be a number of certificates of occupancy issued. Depending on the date that the certificate is issued, the period of construction runs to 2008. The deferral period runs for up to an additional seven years. Mr. Saadi asked how many certificates of occupancy would be issued? Ms. Diorio said two for real property. Other renovations are going to be addressed as personal property.

Mr. Nagarsheth made a motion to recommend approval of the application for deferral of assessment increases for Boehringer Ingelheim. Seconded by Mr. Saadi. Motion carried unanimously.

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

42 – REPORT – Woodland Group II, LLC

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the Woodland Group II, LLC agreement met on June 29, 2004 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan and Cavo. Also in attendance were Corporation Counsel Robert Yamin, Director of Finance Dena Diorio, Director of Public Works William Buckley, Attorney Paul Jaber, Tony Lucera and Council Members Basso and Teicholz, ex-officio.

Attorney Yamin submitted copies of the updated agreement to the committee. Ms. Diorio stated that in lieu of the developers building a baseball stadium, they agree to convey a parcel of land consisting of 13.1 acres that has existing ball fields on it. They also agree to make payments totaling \$10,000,000 over four years beginning May 2005 and to pay \$375,000 over a three-year period to hire an engineer to expedite site plans.

The City would be responsible to return the reviews within a thirty-day period. Other changes are outlined in the agreement attached hereto. Mr. Cavo asked, regarding the \$375,000 to hire an engineer, whom would this person work for? Mr. Buckley said the person would be a city employee. Mr. Nolan asked about the change in density. Mr. Lucera said there is a slight reduction in total housing units and the hotel conference center has been eliminated. Site 15 is for a large corporate use that the City is now negotiating. Mrs. Basso asked if section 5(b) is an increase or decrease in density? Mr. Lucera said the original plan was for 325 units of senior housing. They found that there is no market for that number so they reduced it by 7.5%.

Mr. Cavo made a motion to recommend that the Mayor be authorized to enter into an agreement. Seconded by Mr. Nolan. The motion carried unanimously.

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

43 – REPORT & ORDINANCE – Stanley L. Richter Park Ordinance

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 June 28, 2004 at 7:00 P.M.

Mr. Saadi made a motion to recommend approval of the ordinance change. Seconded by Ms. Saracino. Motion carried unanimously.

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

THAT Subsection 12-34(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 13A-13. Commission of authority. Appointment; membership; term; alternates.

- (a) The mayor of the city with the approval of a majority of the common council shall select and appoint the members of the commission of said authority, which shall consist of nine (9) members. Among the members so appointed shall be one member of the Stanley L. Richter Association for the Arts, Inc. One of the appointees selected by the mayor shall be a person nominated by Irene Myers Richter, so long as she shall live, or upon her death, nominated by Ann Myers Williams, now or formerly of Westport, Connecticut. The terms of three (3) of the initial members of the commission shall be one year, of another three (3) initial members, two (2) years, and of the last three (3) initial members, three (3) years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.
- (b) The mayor of the city with the approval of a majority of the common council shall select and appoint two (2) alternate members of the commission. Said alternates shall serve for a term of three (3) years.

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

44 – REPORT – Earth to Kids Program Van

Mrs. Teicholz submitted the following report:

The Common Council Committee appointed to review the request for the donation of a van to the "Earth to Kids" Program met on June 7, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Teicholz, Seabury and Barry. Also in attendance were Director of Public Works William Buckley, Assistant Director of Finance Dan Garrick and Kathy Gleason from the Weston Woods Institute.

Ms. Teicholz asked Mr. Buckley for an overview of the request. Mr. Buckley said when the city had a landfill, the State came out with a recycling mandate. The city purchased a recycling van and an educational van as required by the State. The educational van went to HRRRA. They were running the educational programs until their budget and staff were reduced. We took the van back and have been discussing about the best way to put it to good use.

We have this request to give the van to the Weston Woods Institute at a dollar value of \$15,000. They would be the owner of the van and in exchange they would run educational programs on the environment. Municipalities will be charged 10% for the van to come out. If the cost were \$1,000, each would pay \$100. Danbury would be exempt until we use up our \$15,000. Mr. Buckley said a contract would be negotiated and brought back to the Common Council. Ms. Gleason said she has found a need for this vehicle to be out in the community and HRRRA cannot provide this service.

Mr. Barry made a motion to recommend conveyance of the van to the Weston Woods Institute and authorize the Director of Public Works and the Corporation Counsel to prepare the necessary documents. Seconded by Mr. Seabury. Motion carried unanimously.

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

45 – REPORT – Request for Sewer and Water Extensions – 1-3 Mannions Lane

Mr. Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 1-3 Mannions Lane met on June 7, 2004 at 6:30 in the Third Floor Caucus Room in City Hall. In attendance were committee members Esposito, Saadi and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner, Rich Howard.

Mr. Esposito noted the positive recommendation from the Planning Commission. Mr. Buckley said that this is the old Dolan property. The proposal is for 229 units. The property straddles the line between Danbury and Bethel. We have an intermunicipal sewer agreement from 1974, which was revised in 1990. It will be Bethel's system and they will bill their customers. Water will just serve Danbury customers. Mr. Buckley said he would like to be interconnected. It makes sense in case there is a break and would be for emergencies only. Mr. Buckley described how the line would run. Significant improvements are being made in the water line. Mr. Howard said that they are adding a pump station.

Mr. Saadi asked if Mr. Buckley would be looking for a phase-in approval? Mr. Buckley said that would be a ninth step, with a tenth step for the interconnect. Mr. Saadi asked if there are existing townhouses near phase four? Mr. Buckley said there are and they access their sewer and water through Mannions Lane. There will be no disruption to their services.

Mr. Saadi made a motion to recommend approval of the project as proposed, subject to the required eight steps and a ninth step which would approve the project in phases, as well as a tenth step authorizing the Director of Public Works to establish an

emergency interconnect with the Town of Bethel. Seconded by Mrs. Basso. Motion carried unanimously. Motion carried unanimously.

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

46 – REPORT – Request for Sewer Extension – Forty Acre Mountain Road

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the request for sewer extension on Forty Acre Mountain Road met on June 14, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Esposito. Also in attendance were Director of Public Works William Buckley, R. J. Gallagher and Attorney William McNamara for the petitioner.

Mr. Calandrino noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this is a trailer park on the north side of Nabby Road. There are 202 homes in the park. Their septic system is failing and the park is under DEP regulations. The State is ready to issue orders or may have already. The park is cooperating with the State by pumping out on a regular basis.

The Long Range Planning Study delineates the service area. This location is outside the service area. The Planning Commission is clear that this is only for the trailer park. When it is no longer a trailer park, it is not to be sewerred. He would recommend approval subject to the required eight steps, with a ninth step stating that this is only for the 202 homes in the park. If it ceases to be a trailer park, sewers will no longer serve the property. He will work out the details with Mr. Gallagher. Attorney McNamara submitted a letter outlining the situation.

Mr. Cavo made a motion to recommend approval of the request to extend sewer to Forty Acre Mountain Road, subject to the required eight steps, with a ninth step stating that sewer is provided only as long as the trailer park with 202 units remains a trailer park. If this changes, sewer will no longer be available. Seconded by Mr. Esposito. Motion carried unanimously.

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

47 – REPORT – Request for Water Extension – 40 Stadley Rough Road

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the request by the Colonial Hills Baptist Church for water extension at 40 Stadley Rough Road met on June 14, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Esposito. Also in attendance was Director of Public Works William Buckley.

Mr. Calandrino noted the positive recommendation from the Planning Commission. Mr. Buckley stated that about six months ago the school did not have sewer or water. The sewer problem was solved by the State. He has a plan for water prepared by CCA in Brookfield, which is conceptually acceptable to the City. This is a simple request and he would recommend approval subject to the required eight steps.

Mr. Cavo made a motion to recommend approval of the request subject to the required eight steps. Seconded by Mr. Esposito. Motion carried unanimously.

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

48 – REPORT – Drainage Easement on Backus Avenue

Mr. Nagarsheth submitted the following report:

The Common Council Committee met on June 14, 2004 in the Third Floor Caucus Room in City Hall. In attendance were committee members Nagarsheth, Burns and Barry.

Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley and Council Member Joe Cavo, ex-officio.

Mr. Nagarsheth noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this is a small piece of property in back of the Kaufman property where Waterworks is located. It is 15 x 30 feet on airport property. He said that the City will get a Mylar map and will execute the drainage easement. The easement provides the right to take drainage away from the property. The City will not be liable for maintenance and will be held harmless. He will review the final documents and record and file the map on the land records. He recommends approval of the easement.

Mr. Barry made a motion to recommend approval of the drainage easement on Backus Avenue. Seconded by Ms. Burns. Motion carried unanimously.

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

49 – REPORT – Request for Sewer and Water Extensions – Park & Division Street

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Park Avenue and Division Street met on June 28, 2004 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Basso, Stanley and Barry. Also in attendance were Director of Public Works William Buckley, the petitioner Joseph DaSilva, Attorney Steven Olivo, Engineer Mark Kornhaas and Council Member Seabury, ex-officio.

Mrs. Basso noted the positive recommendation from the Planning Commission. Mr. Buckley stated that he would classify this as a small routine request for sewer and water extensions. He would recommend approval for both subject to the required eight steps. He has worked with the petitioner on developing plans.

Mr. Barry made a motion to recommend approval of the sewer and water extensions subject to the required eight steps. Seconded by Mrs. Stanley. Motion carried unanimously.

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

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

51 – Request for water line installation at 8 Deerfield Avenue – Mr. Nolan made a motion to add this item as number 51. Seconded by Ms. Saracino. Motion carried unanimously.

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

52 – Request from Corporation Counsel Robert Yamin for an executive session to discuss a litigation settlement. Mr. Nolan made a motion that this be added to the agenda as item 52. Seconded by Ms. Saracino. Motion carried unanimously.

At 8:25 P.M. Mr. Cavo made a motion that the Common Council enter into Executive Session to discuss item 52. Seconded by Mr. Nolan. Mayor Boughton requested that the Director of Finance, the Corporation Counsel and the Assistant Corporation Counsel attend the Executive Session. Motion carried unanimously.

The Common Council reconvened in public session at 8:40 P.M. Mr. Saadi made a motion to authorize the Mayor and the Corporation Counsel to enter into the settlement

agreement as outlined in the Executive Session and to execute all necessary documents.
Seconded by Ms. Saracino. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was
made at 8:41 P.M. by Mr. Nolan for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor