

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

RE: Minutes of the Common Council Meeting held August 3, 2004

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

**PRESENT** – McMahon, Burns, Trombetta, Calandrino, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Seabury, Stanley

**ABSENT** – Payton, Riley

19 Present – 2 Absent

Mrs. Payton was ill and Mr. Riley was on vacation

### **PUBLIC SPEAKING**

Robert Jenkins, 11 Ashley Court – Spoke on item 24. There is a lot of traffic on his street and there has also been some dumping. Keep the Noise Ordinance in effect.

Ed Cerbone, 36 Lilac Lane – Spoke on item 24. There is an access area for ATVs on his street to come through. Could this be corrected?

Bruce Leonard, Ashley Court – Item 24 – motorcycles

**MINUTES** – Minutes of the Common Council Meeting held July 7, 2004. Mr. Nolan made a motion to accept the minutes as submitted and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Urice. Motion carried unanimously.

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

1 – Receive the communication and adopt the resolution.

2 – Receive the communication and adopt the resolution.

3 – Receive the communication and adopt the resolution.

4 – Receive the communication and adopt the resolution.

5 – Receive the communication and adopt the resolution.

6 – Receive the communication and adopt the resolution.

14 – Receive the communication and approve the transfer of \$5,300 from the Contingency Account to line item 1310.5857 – Candlewood Lake Authority.

15 – Receive the communication and approve the transfer of \$30,000 from the Contingency Account to line item 1150.5804 – Settlement of Claims.

17 – Receive the communication and approve the transfer of \$6,000 from the Contingency Account to line item 7001.5855 – Long Ridge Library – Contributions – Grants.

18 – Receive the communication and approve the addition of Hudson United Bank to the City's list of accepted banks for municipal deposits.

22 – Receive the communication and approve the proposed budget for the Danbury Rail Yard for fiscal year 2004-2005.

23 – Receive the communication and approve the reappropriation of \$129,227.59 to the Water Fund and \$258,915.33 to the Sewer Fund from fiscal year 2003-2004 to fiscal year 2004-2005.

29 – Receive the report and adopt the ordinance, which provides an early retirement incentive program for the Board of Education.

30 – Receive the report and adopt the ordinance amending the existing assessment deferral program offered by the City.

32 – Receive the report and adopt the committee's recommendation to extend the Parking Authority, the Commission on Aging and the Cultural Commission for a five-year period.

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

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

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

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

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

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

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

1 – RESOLUTION – Preventive Health Care Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$13,460.00; and

WHEREAS, the grant will cover the period of July 1, 2004 through June30, 2005 with no local in kind match; and

WHEREAS, the funding will be used for a Youth Violence Prevention program in conjunction with the School Based Health Centers located at Danbury High School and Broadview Middle School.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded;

AND FURTHER, Mayor Mark D. Boughton is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

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

2 – RESOLUTION – Fire Department Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency has made funds available to the Danbury Fire Department for the acquisition of various pieces of fire equipment and fire training; and

WHEREAS, the total amount of said funding for such purposes is \$104,794.00 of which \$73,356.00 is FEMA funds and the balance of \$31,438.00 is the required local share; and

WHEREAS, the Danbury Fire Department would like to apply for and accept said grant and, together with the local share, obtain the needed equipment and training.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, or his designee, Danbury Fire Chief Peter Siecienski, be and hereby are authorized to apply for and accept said grant and to execute such additional documents as may be required to effectuate the purposes thereof.

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

### 3 – RESOLUTION – CADH Funds for Bioterrorism

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has prepared a Public Health Emergency Plan for Bioterrorism events; and

WHEREAS, the State Health Department has mandated that the City Health Department conduct an exercise of this plan by September 30, 2004; and

WHEREAS, the Danbury Health Department has designed a tabletop exercise of this plan which will be scheduled to be conducted in mid September 2004, involving expenditures of funds for equipment and supplies and involving staff time; and

WHEREAS, the Connecticut Association of Directors of Health (CADH) is offering grants to local health departments for reimbursement of equipment, supplies and salaries for time expended in conducting these exercises.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Danbury authorizes the City Health Department's application for \$3,000.00 of funding from the Connecticut Association of Directors of Health (CADH) and authorizes Mark D. Boughton, as Mayor of the City of Danbury, to enter into any contracts required with the State of Connecticut for the use and administration of these funds, if awarded.

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

### 4 – RESOLUTION – Local Law Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Justice, Bureau of Justice Assistance (BJA) under the Fiscal Year 2004 Omnibus Appropriations Act (Pub. L. 104 208) has advised the City of Danbury of its eligibility to apply to BJA for a direct award of \$10,039.00 under this program with a local cash match of \$1,115.00 required; and

WHEREAS, the funding under this new program will be used by the Danbury Police Department to purchase various items of equipment to enhance effective law enforcement within the City of Danbury; and

WHEREAS, the grant period will run for 24 months from the date of the initial payment received.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to apply for and accept such grant award and the Mayor is authorized to sign any contracts/documents in connection therewith and do all things necessary to effectuate the purposes of said grant.

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

### 5 – RESOLUTION – Project Rose Funding

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development ("HUD") makes grant funds available to local governments pursuant to the Continuum of Care Homeless Assistance Programs; and

WHEREAS, the Continuum of Care Homeless Assistance Programs are intended to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing and thereby end chronic homelessness; and

WHEREAS, the submission of applications to HUD for new and renewal project funding consistent with the currently approved Consolidated Plan is in the best interests of the City of Danbury; and

WHEREAS, the \$142,000.00 one year renewal of Project Rose for leasing and supportive services for 7 families requires an in-kind match of \$11,720.00 consisting of staff and administrative time.

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 make application to HUD pursuant to the terms of the Continuum of Care Homeless Assistance Programs, including both new and renewal projects, and that Mayor Boughton be and hereby is authorized to take any additional action that may be necessary to effectuate the purposes hereof.

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

#### 6 – RESOLUTION – Jackson Drive Area Sanitary Sewer Easement

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 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 owners and holders of mortgages encumbering the properties, if any, by February 1, 2005.

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

#### 7 – COMMUNICATION – Appointment of Police Officer

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Richard Tirado as a police officer. Mr. Trombetta made a motion to receive the communication and confirm the appointment. Seconded by Mr. Barry. Motion carried unanimously.

Mr. Tirado was sworn in by Corporation Counsel Robert Yamin.

#### 8 – COMMUNICATION – Donation of a Police Dog

Letter from Mayor Mark Boughton requesting permission to accept a donation of a fully trained police dog named Domino from Bob Parker, owner of several Domino's Pizza franchises. Ms. McMahon made a motion to receive the communication, accept the

donation of the police dog and send a letter of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

9 – COMMUNICATION – Donation to the Police Department

Letter from Police Chief Robert Paquette requesting permission to accept the donation of a 2004 Homesteader Trailer by Sgt. Matthew McNally and Officer David Antedomenico to the PAL for use by Explorer Post #33.

Mrs. Basso made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Nolan. Motion carried unanimously.

10 – COMMUNICATION – Donation of Landscaping and General Cleaning Services

Letter from Jane Hall-Ramon offering to donate landscaping and general cleaning services for the outside of Morris Street School. The estimated value of the donation is \$1500.00. Mrs. Teicholz made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the total amount of \$75.00 to be credited to the professional services line item. Mr. Seabury made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mr. Steinerd. Motion carried unanimously.

12 – COMMUNICATION – Assessment Deferral Program Enhancements

Mrs. Saracino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Director of Economic Development and the Director of Planning. Mayor Boughton so offered and appointed Council Members Saracino, Seabury and Esposito to the committee.

13 – COMMUNICATION – Change of Street Name to Dr. James Roach Avenue

Mrs. Basso asked that this be referred to a public hearing and to the Planning Commission. Mayor Boughton so ordered.

14 – COMMUNICATION – Candlewood Lake Authority

Letter from Director of Finance requesting that the sum of \$5,300 be authorized to fund the CLA at Danbury's required amount of \$54,112. The communication was received on the Consent Calendar and the transfer of \$5,300 from the Contingency Account to line item 1310.5857 authorized.

15 – COMMUNICATION – Mancini Construction

Letter from Director of Finance Dena Diorio certifying the availability of \$30,000 from the Contingency Account for settlement of the above matter. The communication was received on the Consent and the transfer of funds authorized.

16 – COMMUNICATION – Cultural Commission

Letter from Director of Finance Dena Diorio certifying the availability of \$25,000 from the Contingency Account for additional funding for the Cultural Commission. Mr. Nolan made a motion to receive the communication and authorize the transfer of funds. Seconded by Mrs. Basso. Motion carried unanimously.

17 – COMMUNICATION – Long Ridge Library

Letter from Director of Finance Dena Diorio certifying the availability of \$6,000 from the Contingency Account for funding for the Long Ridge Library for one year. The communication was received on the Consent Calendar and the transfer of funds authorized.

18 – COMMUNICATION – Accepted Banks for Municipal Deposits

Letter from Director of Finance Dena Diorio requesting that Hudson United Bank be added to the list of qualified financial institutions. The communication was received on the Consent Calendar and the addition of Hudson United Bank approved.

19 – COMMUNICATION – Request for Committee regarding Shepard Road

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

20 – COMMUNICATION – Request to Pave Haley Street

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

21 – COMMUNICATION – Request for Committee regarding Speeding on Moody Drive

Mr. Calandrino asked that this be referred to an ad hoc committee and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Trombetta, Burns and Barry to the committee.

22 – COMMUNICATION – Danbury Rail Yard Parking Proposed Budget

Proposed Budget for the fiscal year 2004-2005 Rail Yard Parking. The City must use this money towards the maintenance of the Metro North Railroad Station. The proposed budget is \$31,000. The communication was received on the Consent Calendar and the budget approved.

23 – COMMUNICATION – Water and Sewer Fund Appropriations

Letter from Director of Finance Dena Diorio certifying the availability of \$129,227.59 to be reappropriated to the Water Fund accounts and \$258,915.33 to the Sewer Fund accounts. Because the Water and Sewer Funds are Enterprise Funds, any funds that are appropriated and unspent at the end of the fiscal year for capital projects and equipment purchases which are carried over into the next fiscal year, the Common Council must take action to reappropriated those moneys so that the projects can be completed and equipment accepted.

The communication was received on the Consent Calendar and the reappropriation of funds approved.

24 – COMMUNICATION – Request for Committee regarding Motorcycles and ATVs

Mr. Cavo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Nagarsheth, Stanley and Saadi to the committee.

25 – COMMUNICATION – 17 Aspen Way

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

26 – COMMUNICATION – 25 Germantown Road

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

27 – COMMUNICATION – Use of Parking Lot – Immaculate Heart of Mary Church

Mrs. Teicholz asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Urice, Steinerd and Esposito to the committee.

28 – COMMUNICATION – Resubdivision – 11 Virginia Avenue

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

29 – REPORT & ORDINANCE – Retirement Incentive Program – Board of Education

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 July 19, 2004.

Dr. Eddie Davis stated that this came about during a difficult budget year and it could alleviate layoffs and eliminate four positions. Ms. Diorio said this ordinance was crafted after the plan offered to City employees last year. There have not been any takers yet.

Mr. Cavo made a motion to recommend adoption of the ordinance at the next Common Council meeting. Seconded by Mr. Urice. Motion carried unanimously.

Be it Ordained by the Common Council of the City of Danbury that:

1. The City of Danbury hereby adopts the 2004 Retirement Incentive Program ("Program") for certain employees of the Board of Education.
2. Those eligible for this Program include only active employees of the Board of Education who are:
  - a) participants in the General Employees Pension Plan;
  - b) who have at least ten (10) years of credited service in the pension plan;
  - c) are eligible for early or normal retirement; and
  - d) are in secretarial positions within the Board of Education.

The term "credited service" shall be defined in Section 14-2 of the Code of Ordinances of the City of Danbury.

This Program shall not apply to individuals currently receiving a pension or previously retired under the City Charter or under a current or prior collective bargaining agreement.

3. Eligible employees shall elect their participation in the Program no later than August 6, 2004, by submitting a written election to the City of Danbury Director of Finance. Such election to retire under this offering shall be irrevocable after August 6, 2004. The retirement date and the last day of work for individuals so electing shall be: (i) either September 1, 2004 (August 31, 2004 the last day of work for individuals) or October 1, 2004 (September 30, 2004 the last day of work for individuals). An Employee that has not elected an optional form of benefit within the timeframe specified by Section 14-6 of the Code of Ordinances, and desires to make such an election, must do so within five (5) days of submitting his or her election to retire under the terms of this Program.
4. An employee who is interested in electing participating in the Program should schedule a personal review meeting with the City of Danbury Finance Department staff as soon as possible to determine eligibility and benefits. It is the employee's responsibility to investigate whether he/she is eligible.
5. An employee who retires under this Program shall receive the following benefits:
  - a. For an employee who, as of June 30, 2004 either (1) has or will have met the rule of 85 or (2) has or will have (i) attained age

65 and (ii) completed at least ten (10) years of credited service under the pension plan, the benefit formula will be increased from one and one-half percent (1.5%) to one and three-quarter percent (1.75%) and there shall be no actuarial reduction for retirement prior to normal retirement age applied to such pension benefit. The applicable actuarial reduction for any optional form of benefit selected by the employees shall apply.

b. For an employee who has or will have as of June 30, 2004, (i) attained age 60, and (ii) completed at least twelve (12) years of credited service under the pension plan, there shall be no actuarial reduction for retirement prior to normal retirement age applied to the pension benefit determined under the current pension plan. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.

6. The City reserves its right to cancel or withdraw this Program for any reason whatsoever, provided the City made a written election to do so no later than August 31, 2004 and so notifies those who elected to participate in accordance with Section 3 hereof. In the event that the City cancels or withdraws this Program, an employee who has made an election to participate under Section 3 above shall have the right to withdraw his/her application for retirement, by written notice to the Director of Finance.

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

### 30 – REPORT & ORDINANCE – Assessment Deferral Agreement

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 July 19, 2004.

Attorney Gottschalk said the previous state law allowed seven categories with amounts and periods of deferral. The law has now been narrowed to three choices. This simply makes our ordinance match state law.

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:

THAT Subsection (d) (2) of the Code of Ordinances of Danbury, Connecticut, is hereby amended by the repeal of subsections c through g and the substitution of a new subsection c in order that subsection (d)(2) reads as follows:

(d) Assessment deferral agreement.

(2) The assessment deferral agreement shall provide that, upon completion of construction or improvements made in accordance with the terms of the agreement, and upon certification by the planning department, as hereinafter set forth, and upon issuance of the certificate of occupancy, the increase in the assessment on the property due to such construction or improvements shall be deferred in accordance with one of the following schedules, as determined by the Common Council:

- a. For proposed construction or improvements, which value three million dollars (\$3,000,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed seven (7) years.
- b. For proposed construction or improvements which value five hundred thousand dollars (\$500,000.00) or more, the entire increase in the assessment may be deferred each year for a period not to exceed two (2) years;
- c. For proposed construction or improvements which value not less than twenty-five thousand dollars (\$25,000.00), fifty (50) percent of the increased

assessment may be deferred each year for a period not to exceed three (3) years, including but not limited to permanent residential use property, which property has been designated blighted pursuant to Section 10-81 et. seq. of this code.

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

31 – REPORT & ORDINANCE – Parking Fines 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 in City Hall on July 19, 2004.

Mr. Nolan stated that this is in response to concerns about parking violations around the City. This will elevate the fines from \$25 to \$50.

Mr. Saadi made a motion to recommend adoption of the ordinance. Seconded by Mrs. Basso.

Mr. Saadi asked if it would be appropriate to amend the committee report now or at the regular Common Council meeting. Attorney Gottschalk stated that it is his opinion that only the committee can amend its report. Mr. Nolan stated that the report contains other recommendations aside from the ordinance. Mr. Saadi stated that the Common Council amends committee reports all the time.

Motion carried unanimously.

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

THAT Section 19-4 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 19-4 Penalty.

(a) Any person violating the provisions of this Article as set forth in this subsection be fined in accordance with the following schedule:

Parking Violation	Fine	Code Section
Obstructing Sidewalks	\$50.00	19-36
25 Feet of Corner	\$50.00	19-32
On Crosswalk	\$50.00	19-56
Front of Driveway	\$50.00	19-32
Obstructing Traffic/Streets/Intersections	\$50.00	19-32
Fire Hydrant	\$50.00	19-33
Fire Zone	\$50.00	19-62
Fire Lane	\$50.00	19-62
Loading Zone	\$50.00	19-56
Snow Emergency	\$50.00	19-60
Violation of Signs	\$50.00	
Other	\$50.00	

(b) Except as otherwise specifically set forth in subsection (a) hereof, the violation of any rule, regulation or other promulgated by the Traffic Authority of the City of Danbury shall be punishable by a fine established in accordance with State Law and as established by the Traffic Authority.

(c) (1) Except as provided herein, any person violating any provision of this Article shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than thirty (30) days or both.

(2) Fines payable in accordance with subsection (a) hereof shall be remitted to the City of Danbury within seven (7) days of the issuance of a summons or citation. If any fine is not paid within seven (7) days, a

penalty in an amount equal to the original fine shall immediately become due and payable in addition to the original fine.

Mrs. Basso made a motion to receive the report and adopt the ordinance. Seconded by Mr. Seabury.

Mr. Saadi stated that the key is enforcement. These fines will provide revenue. He would ask that additional enforcement, such as special police officers, be employed at least through Labor Day. Mayor Boughton said he would give it a shot. Mr. Saadi asked if this would impinge on current patrols. Chief Paquette said special officers would not encroach.

#### 32 – REPORT – Government Entities Review and Evaluation

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole on July 19, 2004 following a public hearing in the Common Council Chambers.

Mrs. Basso stated that the committee saw no reason not to extend the Parking Authority, the Commission on Aging and the Cultural Commission for five years.

Mrs. Saracino made a motion to recommend extending the Parking Authority, the Commission on Aging and the Cultural Commission for five years. Seconded by Mrs. Basso. Motion carried unanimously.

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

#### 33 – REPORT – Sewer and Water Extensions – 16-18 Hayestown Road

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 16-18 Hayestown Road met on July 20, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Barry and Visconti. Also in attendance were Director of Public Works William Buckley and Council Members Riley, Saracino and Teicholz, ex-officio.

Mr. Cavo noted the positive recommendation from the Planning Commission. Mr. Buckley stated that this project is known as Crystal Beach. The property borders Crystal Bay, East Pembroke Road and Reynolds Road. Reynolds Road is a private road on which he is doing sewer and water assessment projects. He would recommend approval of this request subject to the required eight steps. We have the capacity and plenty of pressure.

Mr. Visconti made a motion to recommend approval of the request subject to the required eight steps. Seconded by Mr. Barry. Mr. Cavo asked if this is in the City's Master Plan. Mr. Buckley said that it is. Mr. Barry asked if this would provide fire protection. Mr. Buckley said it would. The motion carried unanimously.

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

#### 34 – REPORT – Request for Water Extension – 1001 Crows Nest Lane

Mr. Esposito submitted the following report:

The Common Council Committee appointed to review the request for water extension at 1001 Crows Nest Lane met on July 20, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Esposito and Basso. Also in attendance were Director of Public Works William Buckley, the petitioner Ben Doto and Council Members Cavo, Riley, Saracino and Visconti.

Mr. Esposito noted the positive recommendation from the Planning Commission. Mr. Buckley stated that water was extended up Crows Nest Lane in 1984 or 1985. There is ample water. This is a simple extension and he would recommend approval

subject to the required eight steps. Mr. Doto stated that he would be building 20 condominium units.

Mrs. Basso 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.

#### 35 – REPORT – Request for Water Line Installment at 8 Deerfield Avenue

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the request for a water line installation at 8 Deerfield Avenue met on August 2, 2004 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Barry. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Doug DiVesta, Engineer for the Petitioner and Council Members Nolan and Saracino, ex-officio.

Mr. Calandrino noted the positive recommendation from the Planning Commission. He then asked Mr. Buckley for an overview of the request. Mr. Buckley stated that the water lines in the area are privately owned. The pipe on Deerfield, he believes, is a two-inch pipe. A twelve-inch pipe was put in on Beaver Brook Road towards Deerfield, but does not quite reach there. There is also a blank area coming from the other direction. The City does have water customers in the area. Usually, in this situation, the City will donate the pipe and the developer does the engineering and the installation.

Mr. Buckley stated that he would recommend approval of the request subject to the required eight steps, with an additional ninth step allowing the petitioner to do the work that would complete the loop and bring water to existing customers, and authorizing the City to provide up to 250 feet of twelve-inch pipe and up to 250 feet of eight-inch pipe as well as a hydrant assembly.

Mr. Cavo made a motion to recommend approval of the request for a water line installation at 8 Deerfield Avenue, subject to the required eight steps, with a ninth step allowing the petitioner to do the work that would complete the loop and bring water to the existing customers; and authorizing the City to provide up to 250 feet of twelve-inch pipe and up to 250 feet of eight-inch pipe as well as a hydrant assembly. Seconded by Mr. Barry. Motion carried unanimously.

Mr. Cavo made a motion to receive the report and adopt its recommendations. Seconded by Ms. Saracino. Motion carried unanimously.

#### 36 – REPORT – Foley Lease

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review the Foley lease met on July 20, 2004 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saracino, Riley and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley and Council Members Nolan, Cavo and Teicholz, ex-officio.

Ms. Saracino stated that this is a lease between the Board of Education and Cynthia Foley for land on Elizabeth Road. She noted the positive recommendation from the Planning Commission.

Mr. Riley asked what the land is used for? Attorney Pinter said this lease goes back to 1998 and is used for a nature center. He does not know exactly what they do there. Ms. Saracino said one of the conditions of the lease is that there be a certificate of insurance. Attorney Pinter said the City would provide that certificate. The lease runs until 2008. The rent is \$113 and there would be a modest increase if there were an increase in their assessment.

Mr. Visconti asked Mr. Buckley if he saw any problems with this. Mr. Buckley said he does not but he does not know how the land is used or by whom.

Mr. Visconti made a motion to recommend approval of the lease as written. Seconded by Mr. Riley. Motion carried unanimously.

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

### 37 – REPORT – Public Building Use Policy

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the policy for use of public buildings met on July 21, 2004 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Trombetta and Saadi. Also in attendance were Assistant Corporation Counsel Robin Edwards, Director of Finance Dena Diorio, Superintendent of Public Buildings Richard Palanzo and Council Members Basso, Cavo and Saracino, ex-officio.

Mr. Nolan asked Attorney Edwards for an overview. Attorney Edwards stated that last March she and Mr. Palanzo worked together to draft a policy to regulate use of public buildings. They devised ground rules and a fee schedule. The policy covers Elmwood Hall, City Hall and the Marion Anderson Recital Hall. Mr. Palanzo stated that most of the rules apply to Elmwood Hall and the Marion Anderson Recital Hall. Ms. Diorio said one of the most important reasons for the policy is liability.

Mr. Saadi stated that this issued raised concerns over the rental of rooms in City Hall, especially the Common Council rooms, including the Common Council Chambers, the Caucus Room, Conference Room 3C and the Workroom. He understands the liability issue. He asked if the required insurance certificate could be waived. Attorney Edwards said the Superintendent of Public Buildings and the Risk Manager could waive it. Mr. Saadi asked if the City has a boilerplate release of liability or a hold harmless agreement? Mr. Palanzo said it does not. Mr. Saadi said he is concerned with having this policy apply to Common Council rooms that creates a rental policy that could be taken away from them at a very short notice.

Mr. Nolan stated that under this policy we would make a commitment to a user group who would have to make application thirty days in advance, we would take their money and if the Council needed the room on a moment's notice, we would cancel them. This is not good public policy. Mr. Palanzo agreed that it would not be good to do and it is his recommendation that these rooms be excluded.

Mr. Nolan stated that the major political parties sometimes hold their conventions in the Chambers and he feels that this practice should continue, space permitting. Mr. Saadi said he would have a hard time saying major political parties, thereby excluding minor parties. Mr. Nolan agreed. Mr. Saadi voiced his concern above charging groups such as a neighborhood watch group. The types of meetings held in City Hall are different than those held at other buildings. Ms. Saracino said she would have a hard time telling taxpayers that they cannot use City Hall.

Mr. Nolan stated that this policy allows the opportunity to test those rooms not used by the Common Council which would be Conference Rooms 2C and 3A. He asked Attorney Edward to clean up the language in the policy piece and have Group One include political parties. Mr. Palanzo said for those groups that use those spaces, a hold harmless agreement would cover our liability. Mr. Saadi asked Attorney Edwards to prepare a hold harmless agreement.

Mr. Saadi made a motion to recommend adoption of the public building use policy, with the following alterations:

The Common Council Chambers, the Caucus Room, Conference Room 3C and the Common Council Workroom are exempted from this policy.

Political parties shall be included in Group One.

Clarify that government organizations need not complete application for use and recommend that the Common Council direct the Corporation Counsel to draft an appropriate hold harmless agreement for organizations using the exempted Council rooms. Organizations that are required to sign a waiver must do so or be excluded from use.

Mr. Trombetta seconded the motion, which carried unanimously.

Mr. Steinerd made a motion to receive the report and adopt its recommendations. Seconded by Mrs. Basso.

Mr. Visconti asked how the use of liquor would affect liability? Attorney Yamin said the application must be made at least ten days in advance for approval by the Risk Manager. Mayor Boughton said it would be the same as events at Tarrywile or Hatters Park. Mr. Nolan stated that this inclusion addresses events at Elmwood Hall for parties and the language mirrors Tarrywile and Hatters Park.

Mr. Visconti asked if we are totally protected if something happens? Attorney Yamin said we are as protected as we normally are in reference to public buildings.

Motion carried with Mr. Visconti voting in the negative.

#### 38 – REPORT – Change of Name from West Kenosia Avenue to Christopher Columbus Avenue

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 July 19, 2004.

Mr. Nolan explained the committee's deliberations on this request.

Mr. Esposito made a motion to adopt the report and approve the name change subject to guarantees from the Vespucci Lodge that they are satisfied with the recommendations. Seconded by Mr. Saadi. Mr. Urice offered an amendment to recommend approval of the name change. Seconded by Ms. Saracino. Motion to amend carried unanimously.

Main motion, as amended, carried unanimously.

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

#### 39 – REPORT – Sadler Aircraft Lease

Mr. Riley submitted the following report:

The Common Council Committee appointed to review the Sadler Aircraft Lease met on July 14, 2004 at 7:00 P.M. In attendance were committee members Riley, Steinerd and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Assistant Director of Finance Dan Garrick, Charles Jackson representing Sadler and Council Members Cavo, Teicholz and McMahon, ex-officio.

Mr. Riley noted the positive recommendation from the Planning Commission. Attorney Pinter stated that the Aviation Commission reviewed the document and made a few revisions. The final survey map has not been done by the Engineering Department due to a heavy workload. The lease is for 1.3 acres at \$5,100 per acre. The term is for ten years with one ten-year renewal with a ten percent rent increase. The property is used for parking of aircraft. All of the standard clauses are in this lease and it is a clear aviation operation. Operators are required to comply with the minimum standards set by the Aviation Commission.

Mr. Steinerd asked if this is a for profit business as the rent seems relatively low for an acre of land. Mr. Estefan said it is a for profit business and the operators provide a number of services on the field. Mr. Steinerd asked if it were safe to say that Audi is

paying the same amount of dollars for half of the footage? Mr. Estefan said that Audi is a commercial lease much like Red Lobster or Olive Garden. Mr. Steinerd asked how the businesses make money? Mr. Estefan said they make their money through lessons, fuel sales and sales of aircraft.

Mr. Visconti made a motion to recommend approval of the Sadler Aircraft lease, contingent upon the final survey map from the Engineering Department. Seconded by Mr. Steinerd. Motion carried unanimously.

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

#### 40 – REPORT – Curtiss Aero Lease

Mr. Riley submitted the following report:

The Common Council Committee appointed to review the Curtiss Aero Lease met on July 14, 2004 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Riley, Steinerd and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Assistant Director of Finance Dan Garrick, the petitioners Ray and Pat Florczak and Council Member Joe Cavo, ex-officio.

Mr. Riley noted the positive recommendation from the Planning Commission. Attorney Pinter noted that the committee received the amended lease for additional time, revised rent and acreage. The final survey map has not been done by the Engineering Department due to the heavy workload. The lease is for ten years at \$5,100 per acre. The renewal option and all other conditions are the same.

Mr. Estefan described the parcel and said it would not affect the runway. Mr. Visconti said we do not know what the parcel is going to be. Attorney Pinter said the issue was if they were paying rent for property that they are not using. Mr. Steinerd asked how the City could make sure that all of the land in question is being paid for? Attorney Pinter said it is likely that there is some land on which rent is being paid simply because of omission. We now know that all of the land will be paid for by someone. All leases are identical and clears up the questions as to what is being paid and what is not being paid.

Mr. Steinerd asked what the rent payment was before the increase in land? Attorney Pinter said it was \$1,700 plus the CPI for one-third of an acre. Mr. Visconti asked if the committee were to recommend approval of the lease as written, what is the possibility of problems in the future? Mr. Pinter said there might be a problem if Curtiss Aero declined to sign the lease or if the survey map shows something unanticipated. Mr. Steinerd noted that if this lease is not approved, the prior lease continues.

Mr. Visconti made a motion to recommend approval of the lease as proposed, subject to the completion of the site map by the Engineering Department. Seconded by Mr. Steinerd. Motion carried unanimously.

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

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

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

#### 42 – COMMUNICATION – Donation to the City

Letter from Mayor Mark Boughton requesting permission to accept to accept a donation from Cathy D'Aquila in the amount of \$1,952.72. Ms. D'Aquila is working with Church Hill Classics to frame a City of Danbury flag returned from Iraq in April bearing the signatures of the 411<sup>th</sup> Civil Affairs Battalion.

Mr. Urice made a motion to receive the communication, accept the donation and send a letter of thanks. 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 at 8:25 P.M. for the meeting to be adjourned.

Respectfully submitted,

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JIMMETTA L. SAMAHA  
Clerk

ATTEST:

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MARK D. BOUGHTON  
Mayor