

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

RE: Minutes of the Common Council Meeting held May 3, 2005.

The Pledge of Allegiance and Prayer were offered. The members were recorded as:

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

ABSENT – Burns, Steinerd, Payton

18 PRESENT – 3 ABSENT

Mr. Steinerd had a business commitment.

PUBLIC SPEAKING

Mayor Boughton announced that the traffic light has been deleted from the design on Wooster Heights and Southern Boulevard.

Patricia Randolph, 70 Deer Hill Avenue – thanked Council Members for allocating funds for the Boughton Street YMCA.

Joe DiComo, 5 Wooster Heights – Spoke regarding the petition to remove the light from Wooster Heights and Southern Boulevard.

Jim Moriarty, 35 Wooster Heights – Would like to see some radar on Wooster Heights.

Paul McIlvaine, 218 Southern Boulevard – He is delighted that City officials will sit down with residents of Southern Boulevard and Wooster Heights to discuss the problems in the area.

MINUTES – Minutes of the Common Council Meeting held April 5, 2005 and the Special Common Council Meeting held April 19, 2005. Mr. Nolan made a motion to adopt the minutes and waive the reading as all members have copies. Seconded by Ms. Saracino. Motion carried unanimously.

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

12 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute the necessary documents to receive additional grant funding from the State of Connecticut Department of Public Health in the amount of \$9,345.00 for Bioterrorism/Emergency Preparedness Training.

13 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute the cost-sharing agreement with the State of Connecticut Department of Transportation for Emergency Vehicle Pre-emption System Equipment at Route 37 (North Street) and Madison Avenue.

14 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute the cost-sharing agreement with the State of Connecticut Department of Transportation for Emergency Vehicles Pre-emption System Equipment at Route 6 (Mill Plain Road) and Westwood Drive.

15 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute the cost-sharing agreement with the State of Connecticut, Department of Transportation for Traffic Control Signal Installation at Route 6 (Mill Plain Road) and Westwood Drive.

16 – Receive the communication and approve the appointment of Matthew Rose as a member of the Environmental Impact Commission.

16A – Receive the communication and approve the appointment of Michael Safranek and Paul Estefan as Alarm Systems Hearing Officers.

22 – Receive the communication and authorize the transfer of \$175,000 to the Police Department Special Services Account #2000.5052 per the Police Chief's request.

23 – Receive the communication and authorize the transfer of \$155,000 to the Litigation Special Account #1150.5313 from Revenue Account #1000.4609 per the Finance Director's certification.

24 – Receive the communication and approve the transfer of \$6,000 to the Conservation Commission Outside Services Account #1260.5334 from the Bear Mountain Cottage rental income account per the Finance Director's certification.

29 – Receive the report and adopt the committee's recommendation authorizing the Corporation Counsel to negotiate the sale of land to the petitioner, based upon fair market value established by the Tax Assessor.

31 – Receive the report and adopt the committee's recommendations to extend the Flood and Erosion Control Board and the Tarrywile Park Authority for five years each; to extend the Redevelopment Agency for one year; and to sunset the Housing Site Development Agency.

32 – Receive the report and adopt the committee's recommendation to approve the connection of the city water system to the Boehringer-Ingelheim Child Care Center, subject to a usage rate at 1.5 times the usage rate for Danbury customers.

33 – Receive the report and adopt the committee's recommendation to approve the lease of City land to Danbury Audi.

34 – Receive the report and adopt the committee's recommendation to approve the Candlewood Park Concession lease between the City and Mike DiBenedetto.

Ms. Saracino made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Cavo. Mr. Esposito asked that item 29 removed. Motion carried unanimously.

1 – ORDINANCE & RESOLUTION – An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2005 and Ending June 30, 2006 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2005 and Ending June 30, 2006.

Mr. Nolan made a motion to adopt the Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2005 and Ending June 30, 2006. Seconded by Mrs. Basso.

General Government I Budget Report

Mr. Riley submitted the following report:

The General Government I Budget Committee met on April 25, 2005 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Riley, Teicholz, Urice and Visconti. Also in attendance were Mayor Mark Boughton, Director of Finance Dena Diorio and Council Members Nolan, Basso, Cavo, Stanley, Seabury and Saadi.

Mayor's Office – Mr. Urice noted that the Mayor has not had a raise in several years. Mayor Boughton said that discussion should take place at the May Common Council Meeting. Mr. Riley asked about the \$8,000 increase in the salaries line item. Ms. Diorio said it includes non-union raises and a 53rd payroll week.

City Clerk's Office – A question was asked about the large increase in the postage line item and would it be used for the new voter letters. Ms. Diorio said it would be used for special projects as well.

Registrars and Elections – Mrs. Basso asked about the Part-time help line item. Mayor Boughton said that 80% of this goes for the coverage of elections. Mr. Urice asked about the outside services account. Ms. Diorio said this covers the moving of voting machines and the cost of national change of address for the canvas.

Corporation Counsel – Mr. Urice asked Mayor Boughton is he is comfortable with the numbers in the outside services account and the settlement account. Mayor Boughton said it would depend on how fast the landfill litigation moves. He prefers to come back to the Common Council if that is necessary. Mr. Seabury asked why it is necessary to hire outside attorneys. Mayor Boughton said it is necessary if you need an expert in a particular field.

Personnel Department/Civil Service – Mr. Urice asked for an explanation of the Professional Services line item. Ms. Diorio said it is used for EAP, Drug and Alcohol, etc. Mr. Visconti asked how many full-time employees there are in this department. Ms. Diorio said there are two.

City Memberships – Mr. Urice asked if these are all good and worthy causes. The Mayor said they are. CCM is valuable for research and effective lobbying.

Danbury Library – Mr. Riley asked if the proposed figure in the books line item would be adequate with circulation up by 6%? Ms. Diorio said they have been keeping them flat on books as they have other funding for books as well. Mr. Riley asked about the reduction in the outside services account. Ms. Diorio said it was for the automated circulation machine, which will be funded through the Capital Budget.

Airport – Mr. Visconti asked how many full-time employees in this department? Ms. Diorio said there are four including the Administrator. Mr. Urice asked if the motor fuel is going to be adequate? Ms. Diorio said they would try to transfer available money from other accounts. Mr. Urice asked about Maintain the Airport Field line item. Mayor Boughton said they are filling cracks in the runways for the first time in seven years. Mr. Urice said that would explain this year. Are we anticipating a lot of cracks next year? Mayor Boughton said they would not be able to fill all the cracks this year. Regarding the Heating Fuel line item, Mr. Riley pointed out that the department request was \$8,000, but the Mayor's proposal was \$18,500. Why the difference? Ms. Diorio said \$8,000 would never be enough. Mr. Visconti asked if we have seen any increase in revenue during the past year? Mayor Boughton said we have and fees for basic services have been increased. Some leases have been re-negotiated which will also generate an increase in fees.

Mr. Urice made a motion to recommend approval of the General Government I budget as submitted by the Mayor, to include a salary increase for the Town and City Clerks for the 05-06 and 06-07 fiscal years at a rate of 3% per annum. Seconded by Ms. Teicholz. Motion carried with Council Members Riley, Teicholz and Urice voting yes and Council Member Visconti voting no.

Mr. Nagarsheth made a motion to receive the report and adopt the committee's recommendation. Seconded by Mrs. Basso.

Regarding the City Clerk's budget, Mr. Saadi asked about the increase in the postage account and what Special Projects these funds would be used for. Ms. Diorio said the Special Projects had not been identified as yet.

Mr. Nolan offered an amendment to reflect an increase in the Mayor's salary at 4% for the fiscal year 2005-06 beginning December 1, 2005 and 4% for the fiscal year beginning 2006-07. Seconded by Mrs. Basso. Motion to amend carried unanimously.

Main motion, as amended, carried with Mr. Saadi and Mr. Visconti voting in the negative.

General Government II Budget Report

Mr. Cavo submitted the following report:

The General Government II Budget Committee met on April 20, 2005 in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Nagarsheth, Stanley and Saadi. Also in attendance were Mayor Mark Boughton, Director of Public Works William Buckley and Council Members Nolan, Basso, Teicholz and Urice.

Mr. Cavo said he would entertain the Capital Budget first since Mr. Buckley had another commitment. Mayor Boughton stated that the Planning Commission approves the capital budget. He outlined the items contained therein. Mr. Buckley outlined the projects in the sewer fund and the water fund. He stated that debt service would be paid out of these funds.

Mayor Boughton noted that there is a 53rd payroll week that has been added to the budget. Mayor Boughton said he has proposed a 3% salary increase for the Treasurer and the Town and City Clerks. There has been an increase in upgrades in the Data Processing Department, as well as two-part time employees. There has been a slight increase in the pay for the people who serve on the Board of Assessment Appeals Board from \$1,000 each to \$1,100 each. The sum of \$15,000 has been added to the Tax Collector's budget to replace a mailing machine. \$3,000 has been eliminated from the fixed assets line item in the Purchasing Department budget.

Regarding the Retirement Administration line item, Mayor Boughton stated that under the new contract when someone is sent for a doctor's evaluation, the cost of the visit is now paid from the pension fund. He also said that additional dollars might be needed for the labor negotiations line item if police negotiations go to arbitration.

Mayor Boughton pointed out that no new grant agencies have been added and all agencies received a 3% cost of living adjustment. He is seeking to change the process in the way these grants are developed and the City would like to join with the United Way. Funds for the downtown holiday lights have been restored. He also pointed out that funding for cultural organizations is available through the Cultural Commission.

Regarding the Contingency Fund, Mayor Boughton said that funds have been included for the new teamsters contract and other unanticipated expenses. There will be a large payout to the police when their contract has been settled.

Mr. Nagarsheth made a motion to recommend that the Common Council approve the General Government II Budget as submitted by the Mayor, with the addition of a salary increase of 3% in the 06-07 budget for the Treasurer. Seconded by Mrs. Stanley.

Mr. Saadi said he is concerned with giving elected officials raises for two straight years and still has concerns about the Director of Finance serving as the

Director of Personnel. The motion carried with committee members Cavo, Nagarsheth and Stanley voting yes and Mr. Saadi voting no.

Ms. Saracino made a motion to receive the report and adopt the committee's recommendation. Seconded by Mr. Nolan.

Mr. Barry said he is happy that a 3% raise has been given to the grant agencies. This leaves them with a 12% deficit from the cuts last year. Mr. Urice said he takes exception to the grants, as it is not sound fiscal policy.

Motion carried with Mr. Saadi voting in the negative.

Budget Committee Report

Ms. Saracino submitted the following report:

The Education Budget Committee was called to order at 7:00 P.M. In attendance were committee members Saracino, Nolan, Riley and Stanley. Also in attendance were Director of Finance & Personnel Dena Diorio, Superintendent of School Eddie Davis, Schools Finance Director Elio Longo, Assistant Superintendent Bob Dylewski and School Board Members George O'Loughlin, Eileen Alberts, Scott Ferguson and Susan Podhajski.

Ms. Saracino stated that the Mayor proposed a 5.5% increase in the School Board Budget. The School Board submitted a budget requiring a 6.76% increase. Ms. Saracino asked Mr. Ferguson to share his ideas as to where cuts could be made. Mr. Ferguson said there are several stressors built into the budget. The options are to cut accounts or programs. They do not want to touch programs. An option was to revisit the retirement incentive program. The Board must approve this option. Mr. Ferguson also stated that they have completed the paperwork to join the prescription drug coalition. They are also hoping that additional funding comes from the State.

Mr. Nolan asked Mr. Ferguson what accounts he is referring to. Mr. Ferguson said such accounts as textbooks, supplies, interns, discretionary spending, etc. A discussion followed regarding savings that may be realized from the prescription drug coalition and the retirement incentive program.

Mr. Riley questioned the Special Education allocation and said an increase of 7.7% seemed high. Mrs. Stanley said that last year the committee discussed doing a survey on children who may not live in Danbury. Mr. Dylewski said that the Board does employ a residency officer and some have been removed from the district.

Mr. O'Loughlin said he is hearing about the possibility of things falling into place if the incentive retirement program is passed. We are assuming that people are going to fall into this program. This is a wish. There are no facts. The Board cannot bank its bottom line dollars on assumptions. The prescription drug coalition savings is based on wishes, not fact. He stated that our population is growing and there is an imperative need for a third middle school. This budget request is at the absolute minimum. If the savings are realized, then reduce the budget when it becomes fact. Don't start the Board out with a \$1.6 million dollar gap. They would have to lay off teachers.

Mr. Nolan made a motion to recommend that the Common Council adopt the Mayor's budget as presented at an increase of 5.5%. Seconded by Mrs. Stanley.

Mr. Nolan said he heard Mr. O'Loughlin's plea. He is asking the Council to allocate the money and tax the citizens and then after we have taken the money from them, reduce your budget and keep the money we took from the people. One of the things the two mayors he has worked with tried to do was keep the tax rate down. It is a strategy that has worked. The Council is open to further discussion and other funding coming from the State.

Motion carried unanimously.

Mr. Cavo made a motion to receive the report and adopt the committee's recommendation. Seconded by Mr. Visconti. Motion carried unanimously.

Public Works Budget Report

Mr. Seabury submitted the following report:

The Public Works Budget Committee met on April 25, 2005 at 7:30 P.M. In attendance were committee members Seabury, Basso, Calandrino, Steinerd and Esposito. Also in attendance were Director of Finance Dena Diorio, Director of Public Works William Buckley and Council Members Nolan, McMahon, Cavo and Nagarsheth, ex-officio.

Public Buildings – Mr. Esposito asked about the cut in the Maintain Building Structures line item. Ms. Diorio said it was kept at current year levels and Mr. Buckley said he would work with this. Mrs. Basso asked about the Training Courses line item and Mr. Buckley said this is for courses such as safety training for mechanics. Mr. Calandrino asked about the increase in the Senior Center Building line item. Mr. Buckley said we did not have the new building last year and we are still maintaining the old building.

Highways – Mrs. Basso asked how many new trucks we have. Mr. Buckley said there are no new trucks in this budget but may be contained in the bond package. There were six new trucks last year. Mr. Seabury asked if the new vehicles are purchases or leased? Mr. Buckley said they are purchased. Ms. Diorio pointed out that the salaries line item contains a 53rd payroll week and non-union pay raises.

Park Maintenance and Forestry – Mr. Steinerd questioned the outside services account. Mr. Buckley said this is for landscaping Elmwood Park and other items such as tree and stump removal. Mrs. Basso asked why the Foreman did not receive a raise and Mr. Buckley said the salary was adjusted last year because he now works without supervision.

Equipment Maintenance - Mr. Esposito asked if particular items were requested in the garage and shop equipment line item. Mr. Buckley said items such as an angle drill and floor jacks were requested.

Engineering Department – Mr. Seabury asked if Maintain Highways, Curbs and Walks are just repairs of sidewalks or new sidewalks. Mr. Buckley said this account is poorly named as the account is used mainly by the Traffic Engineer for striping, etc. Ms. Diorio said LOCIP money has been used for sidewalk repairs.

Mr. Calandrino made a motion to recommend adoption of the Public Works Budget as submitted by the Mayor. Seconded by Mr. Steinerd. Motion carried unanimously.

Mr. Calandrino made a motion to receive the report and adopt the committee's recommendation. Seconded by Mr. Nagarsheth. Motion carried unanimously.

Health & Housing, Public Safety & Social Services Budget Report

Mr. Trombetta submitted the following report:

The Health & Housing, Public Safety & Social Services Budget committee met on April 13, 2005 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Trombetta, Basso, Diggs, McMahon and Barry. Also in attendance were Police Captain Mitch Weston and Police Chief Alan Baker, Fire Chief Peter Siecienski, Director of Finance & Personnel Dena Diorio, Director of Welfare Deborah MacKenzie, Building Inspector Leo Null and Council Members Cavo, Nolan and Saracino, ex-officio.

Ms. Diorio went through the reading of line items in the Public Safety accounts. Regarding the Police Department a 53rd week of salary was included in the salaries line item. Ten new police cruisers were added to the equipment line. In the Animal Control account, air-conditioning was added for the kennel.

Regarding the Fire Department, there is additional money for training. The Maintenance line item was reduced, but items such as an intercom system and roof repairs were funded through the capital improvements. The safety clothing line was cut and well as prevention materials which will be replaced by donations. Other cuts are covered by FEMA and Homeland Security grants.

Regarding the Ambulance Fund, this generates a surplus every year. There were two new ambulances this past year. Five new cardiac monitors were ordered this year. There is communication equipment to coordinate dispatch among emergency services.

Mr. Null asked that the vacant inspector position be filled and a clerk-typist added in the Building Department. The salary for the Civil Preparedness Director is not funded this year. There is a reduction in the budget of the Department of Consumer Protection due to a one-time purchase of equipment. Regarding the new UNIT line item, there is one salary for a coordinator of blight services. Additional training funds have been added to the Health Department.

Regarding the Department of Welfare and Social Services, Ms. MacKenzie stated that new chairs are needed for the office and she is asking for funding for emergency prescriptions. Fund for donations is a new line item. Regarding the Commission on Aging, there is a new part-time person for the rent rebate program and an additional \$5,000 for CDBG programming.

Mr. Barry made a motion to recommend adoption of the Health & Housing, Public Safety & Social Services Budget as presented, subject to recall by the Chair after the public hearing. Seconded by Ms. Diggs. Motion carried unanimously.

Mr. Seabury made a motion to receive the report and adopt the committee's recommendation. Seconded by Mrs. Basso.

Mr. Saadi said he feels that the City needs an increase in the total number of police officers. Mr. Urice agreed.

Motion carried with Mr. Saadi voting in the negative.

Director of Finance & Personnel Dena Diorio read the amended Ordinance for the record:

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006.

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

SECTION 1. That the amounts hereinafter set forth aggregating \$169,600,122 or so much as may be necessary, are hereby appropriated for the General Fund, from current revenue, for the use of the several departments of the Municipal Government and for the purpose hereinafter mentioned for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

	<u>MAYOR'S</u>	<u>ADOPTED</u>
I. <u>GENERAL GOVERNMENT</u>	<u>BUDGET</u>	<u>BUDGET</u>
Common Council	\$ 66,264	\$ 66,264
Mayor's Office	324,372	327,998

City Clerk's Office	48,028	48,028
Ordinances	20,600	20,600
Probate Court	16,450	16,450
Registrars & Elections	161,935	161,935
City Treasurer	18,624	18,624
Director of Finance	764,935	764,935
Data Processing/Info Tech	1,049,728	1,049,728
Independent Audit	44,800	44,800
Bureau of Assessments	411,594	411,594
Board of Assessment & Appeals	4,350	4,350
Tax Collector	565,023	565,023
Purchasing	225,095	225,095
Corporation Counsel	786,183	786,183
Town Clerk	378,992	378,992
Annual Report	9,500	9,500
Permit Coordination	306,984	306,984
Planning Department	517,296	517,296
Office of Economic Development	86,501	86,501
Conservation Commission	8,720	8,720
Personnel Department/Civil Service	227,982	227,982
Mayor's Discretionary Fund	17,000	17,000
Fair Rent Commission	1,450	1,450
City Memberships	80,050	80,050
Lake Authority	56,818	56,818
	<u>MAYOR'S</u>	<u>ADOPTED</u>
	<u>BUDGET</u>	<u>BUDGET</u>
<u>GENERAL GOVERNMENT</u>		
Retirement Administration	\$ 41,000	\$ 41,000
Labor Negotiations	83,000	83,000
Public Buildings	910,125	910,125
City Hall Building	325,798	325,798
Library Building	179,062	179,062
Police Station Building	174,234	174,234
Senior Center Building	85,050	85,050
Old Library Building	43,346	43,346
Employee Service Benefit	<u>36,098</u>	<u>36,098</u>
<u>TOTAL GENERAL GOVERNMENT</u>	<u>\$ 8,076,987</u>	<u>\$ 8,080,613</u>
II. <u>PUBLIC SAFETY</u>		
Police Department	\$11,805,751	\$11,805,751
Animal Control	187,880	187,880
Fire Department	9,381,509	9,381,509
Building Inspector	562,930	562,930

Department of Civil Preparedness	14,629	14,629
Employee Service Benefit	4,853	4,853
Department of Consumer Protection	39,492	39,492
Unified Neighborhood Inspection Team	<u>58,000</u>	<u>58,000</u>
<u>TOTAL PUBLIC SAFETY</u>	<u>\$22,055,044</u>	<u>\$22,055,044</u>

III. PUBLIC WORKS

Highways	\$ 2,142,619	\$ 2,142,619
State Aid – Highways	294,158	294,158
Snow and Ice Removal	430,842	430,842
Street Lighting	430,000	430,000
Park Maintenance & Forestry	1,378,096	1,378,096
Public Building Maintenance and Repair	541,917	541,917
Equipment Maintenance	867,825	867,825
Recycling/Solid Waste	310,300	310,300
Engineering Department	1,091,572	1,091,572

	<u>MAYOR'S</u> <u>BUDGET</u>	<u>ADOPTED</u> <u>BUDGET</u>
<u>PUBLIC WORKS</u>		
Employee Service Benefit	\$ 17,342	\$ 17,342
<u>TOTAL PUBLIC WORKS</u>	<u>\$ 7,504,671</u>	<u>\$ 7,504,671</u>
IV. <u>HEALTH & HOUSING DEPARTMENT</u>		
Health & Housing	\$ 889,019	\$ 889,019
Employee Service Benefit	4,165	4,165
<u>TOTAL HEALTH & HOUSING</u>	<u>\$ 893,184</u>	<u>\$ 893,184</u>
V. <u>PUBLIC WELFARE, SOCIAL AGENCIES</u>		
Welfare Department	\$ 344,372	\$ 344,372
Veterans' Advisory Center	58,777	58,777
Commission on Aging	252,362	252,362
Elderly Transportation	12,000	12,000
Grants – Human Services	1,178,161	1,178,161
Employee Service Benefit	3,017	3,017
<u>TOTAL PUBLIC WELFARE, SOCIAL AGENCIES</u>	<u>\$ 1,848,689</u>	<u>\$ 1,848,689</u>
VI. <u>SCHOOL DEPARTMENT</u>		
Schools, Regular	\$94,422,500	\$94,422,500
Schools, Health & Welfare	208,575	208,575
<u>TOTAL SCHOOL BUDGET</u>	<u>\$94,631,075</u>	<u>\$94,631,075</u>
VII. <u>LIBRARIES</u>		
Danbury Public Library	\$ 2,058,187	\$ 2,058,187
Employee Service Benefit	4,078	4,078
Long Ridge Library	6,000	6,000
<u>TOTAL LIBRARIES</u>	<u>\$ 2,068,265</u>	<u>\$ 2,068,265</u>
VIII <u>PARKS & RECREATION</u>		
Department of Recreation	\$ 407,785	\$ 407,785
Tarrywile Park Authority	265,000	265,000

	<u>MAYOR'S</u> <u>BUDGET</u>	<u>ADOPTED</u> <u>BUDGET</u>
<u>PARKS & RECREATION</u>		
Cultural Commission	\$ 102,000	\$ 102,000
Lake Kenosia Commission	22,000	22,000
Employee Service Benefit	<u>903</u>	<u>903</u>
<u>TOTAL PARKS & RECREATION</u>	<u>\$ 797,688</u>	<u>\$ 797,688</u>
IX. <u>RECURRENT COSTS</u>		
FICA	\$ 1,440,038	\$ 1,440,038
Pension Expense	3,548,709	3,548,709
Employee Service Benefit	180,380	180,380
Worker's Compensation	605,088	605,088
State Unemployment Compensation	35,000	35,000
Employee Health & Life Insurance	10,894,407	10,894,407
Union Welfare	832,000	832,000
Insurance & Official Bond Premium	<u>2,650,356</u>	<u>2,650,356</u>
<u>TOTAL RECURRENT COSTS</u>	<u>\$ 20,185,978</u>	<u>\$ 20,185,978</u>
X. <u>DEBT SERVICE</u>		
Interest on Debt	\$ 1,735,206	\$ 1,735,206
Interest on Debt – School	1,121,433	1,121,433
Redemption of Debt	3,439,462	3,439,462
Redemption of Debt – School	<u>2,580,000</u>	<u>2,580,000</u>
<u>TOTAL DEBT SERVICE</u>	<u>\$ 8,876,101</u>	<u>\$ 8,876,101</u>
XI. <u>CAPITAL PROGRAM</u>	<u>0</u>	<u>0</u>
<u>TOTAL CAPITAL PROGRAM</u>	<u>0</u>	<u>0</u>
XII. <u>TRANSPORTATION</u>		
Danbury Airport	\$ 397,204	\$ 397,204
H.A.R.T.	649,136	649,136
Employee Service Benefit	<u>1,191</u>	<u>1,191</u>
<u>TOTAL TRANSPORTATION</u>	<u>\$ 1,047,531</u>	<u>\$ 1,047,531</u>
	<u>MAYOR'S</u> <u>BUDGET</u>	<u>ADOPTED</u> <u>BUDGET</u>
XIII <u>CONTINGENCY</u>	<u>\$ 1,611,283</u>	<u>\$ 1,611,283</u>
<u>TOTAL CONTINGENCY</u>	<u>\$ 1,611,283</u>	<u>\$ 1,611,283</u>
<u>TOTAL BUDGET</u>	<u>\$169,596,496</u>	<u>\$169,600,122</u>

SECTION 2. That the amount of \$1,722,312 is appropriated to the AMBULANCE FUND in the same manner as set forth in Section 1 hereof.

SECTION 3. That the amount of \$201,500 is appropriated to the ANIMAL CONTROL FUND in the same manner as set forth in Section 1 hereof.

SECTION 4. That the amount of \$8,791,912 is appropriated to the SEWER FUND in the same manner as set forth in Section 1 hereof.

SECTION 5. That the amount of \$6,524,694 is appropriated to the WATER FUND in the same manner as set forth in Section 1 hereof.

SECTION 6. That a provision for tax appeals reserve is established in the amount of \$850,000.

Adopted by the Common Council
Approved by Mayor Mark D. Boughton

MARK D. BOUGHTON
Mayor

ATTEST:

Vincent P. Nolan, Jr.
President, Common Council

Motion carried with Mr. Saadi voting in the negative.

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE FISCAL YEAR

BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006

SECTION 1. The sum of \$129,801,428 representing the gross appropriation for the City of Danbury of \$169,600,122 for the fiscal year of July 1, 2005 and ending June 30, 2006, minus Indirect Revenue of \$37,548,694, minus operating transfer in of \$100,000, minus use of fund balance of \$3,000,000, plus reserve for tax appeals in the amount of \$850,000, is hereby levied and assessed on all taxable property in the City of Danbury as set forth on the annual Grand List as of October 1, 2004.

SECTION 2. Accordingly, the General Fund Tax Rate for the fiscal year beginning July 1, 2005 and ending June 30, 2006 shall be as follows:

TAX RATE: 23.03 MILLS

SECTION 3. The taxes levied and assessed as hereinafter provided shall be payable in quarterly installments on July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006 except for taxes levied and assessed on mobile homes, motor vehicles and where not in excess of One Hundred Dollars (\$100.00), which taxes shall be paid on July 1, 2005, in accordance with the General Statutes of the State of Connecticut, unless said dates shall have lapsed before the effective date of this resolution, in which case the Tax Collector shall fix the dates and installments as if said dates had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Mr. Nolan made a motion to adopt the Resolution setting the mil rate at 23.03 mils. Seconded by Mr. Cavo. Motion carried unanimously.

2 – ORDINANCE – An Ordinance Appropriating \$500,000 for Public Improvements in the 2005-06 Capital Budget and Authorizing the Issuance of \$500,000 Bonds and Bond Anticipation Notes of the City to meet said Appropriations.

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

Section 1. The sum of \$500,000 is appropriated for the public improvements hereinafter listed:

<u>Project</u>	<u>Estimated Cost</u>
Circulation Machine	\$ 65,000
Vehicles	125,000
Carpeting – Library	135,000
Replace Page/Alert System Fire	16,000
Roof Study – Fire Facilities	23,000
Stump Removal	80,000
West Street Streetscape	56,000
TOTAL	<u>\$ 500,000</u>

Section 2. To meet said appropriation \$500,000 bonds of the City are hereby authorized to be issued maturing not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Mayor and the Director of Finance provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys at Law of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds including the rate or rates of interest shall be determined by the Mayor and the Director of Finance.

Section 3. The bonds of each series shall be sold by the Mayor in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The City Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, have the seal of the City affixed, be payable at a bank or trust company designated by the City Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The appropriation may be expended with the approval of the Mayor and the Director of Finance to meet the actual cost of any of the projects set forth in Section 1, including actual costs which may exceed the estimated costs thereof, provided that the total amount of the appropriation is not exceeded.

Section 6. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Mayor or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

Section 7. The Director of Finance is hereby authorized on behalf of the City of Danbury, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notice to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Ms. Diggs made a motion to receive the communication and adopt the ordinance. Seconded by Ms. Saracino. Motion carried unanimously.

3 – ORDINANCE – An Ordinance Making Appropriations Aggregating \$9,980,000 for Various Public Improvements and Authorizing the Issuance of \$9,980,000 Bonds of the City to meet said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for such Purposes.

Mrs. McMahon made a motion to receive the communication and adopt the Ordinance. Seconded by Ms. Saracino. Motion carried unanimously.

4 – ORDINANCE – An Ordinance Making Appropriations Aggregating \$998,000 for Water System Improvements and Authorizing the Issuance of \$998,000 Bonds of the City to meet said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for Such Purpose.

Mr. Urice made a motion to receive the communication and adopt the ordinance. Seconded by Mr. Cavo. Motion carried unanimously.

5 – ORDINANCE – An Ordinance Making Appropriations aggregating \$998,000 for Water System Improvements and Authorizing the Issuance of \$998,000 Bonds of the City to meet said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for such Purpose.

Ms. Teicholz made a motion to receive the communication and adopt the Ordinance. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Nolan asked that, without objection, item 8 be considered at this time. There was no objection.

8 – RESOLUTION – Question to be submitted to voters at referendum changing the use of North Main Street Property.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City has acquired certain parcels of land on North Main Street pursuant to an appropriation and bond authorization of \$1,500,000 under an ordinance entitled “An Ordinance Making Appropriations Aggregating \$16,640,000 For Various Public Improvements And Authorizing The Issue Of \$16,640,000 Bonds of the City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” adopted by the Council on September 5, 2001 and approved at a referendum on November 6, 2001; and

WHEREAS, it was initially found that the acquisition of such property on North Main Street would be for the purpose of eliminating blight and for the construction of housing for senior residents; and

WHEREAS, as a matter of legislative determination this Council now finds that the highest and best use of such property by the City is for the construction of a new police station.

NOW THEREFORE BE IT RESOLVED:

Section 1. That a change in the reuse of those certain parcels on North Main Street for a new police station is hereby approved.

Section 2. This resolution shall become effective upon its approval by a majority of voters at a referendum to be held November 8, 2005.

Mr. Cavo made a motion to receive the communication and adopt the Resolution. Seconded by Ms. Teicholz. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

RESOLUTION PROVIDING FOR SPECIAL CITY MEETING

RESOLVED: That the ordinance entitled “An Ordinance Making Appropriations Aggregating \$9,980,000 For Various Public Improvements And Authorizing The Issuance of \$9,980,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” and the ordinance entitled “An Ordinance Making Appropriations Aggregating \$998,000 For Sewer System Improvements And Authorizing The Issuance of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”

and the ordinance entitled "An Ordinance Making Appropriations Aggregating \$998,000 For Water System Improvements And Authorizing The Issuance of \$998,000 Bonds Of The City To Meet Said Appropriations and Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" and the resolution "Authorizing the City to reuse certain parcels of land acquired on North Main Street for the construction of a new police station", be submitted for approval or disapproval at a Special City Meeting to be called by the Mayor pursuant to Section 7-10(a) of the Revised City Charter and held November 8, 2005, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.), that the Warning of said meeting state the questions to be voted on as follows:

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating \$9,980,000 For Various Public Improvements And Authorizing The Issuance Of \$9,980,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held May 3, 2005 be approved?

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating \$998,000 For Sewer System Improvements And Authorizing The Issuance of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", adopted by the Common Council at its meeting held May 3, 2005 be approved?

Shall the ordinance entitled "An Ordinance Making Appropriations Aggregating \$998,000 For Water System Improvements And Authorizing The Issuance Of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", be adopted by the Common Council at its meeting Held May 3, 2005 be approved?

Shall the Resolution authorizing the City to reuse certain parcels of land Acquired on North Main Street for the construction of a new police station Adopted by the Common Council at its meeting held May 3, 2005 be Approved?

RESOLVED by the Common Council of the City of Danbury:

LEGAL NOTICE

WARNING

NOTICE OF SPECIAL CITY MEETING

The electors of the City of Danbury and qualified voters entitled to vote in a City Meeting are hereby and notified to meet where such persons are entitled to vote on November 8, 2005, between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.) for the following purpose of approving or disapproving the following questions:

1. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating \$9,980,000 For Various Public Improvements And Authorizing The Issuance Of \$9,980,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose,' adopted by the Common Council at its meeting held May 3, 2005, be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating \$9,980,000 For Various Public Improvements And Authorizing The Issuance Of \$9,980,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose be Approved? YES/NO"

2. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating \$998,000 For Sewer System Improvements And Authorizing The Issuance Of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making of Temporary Borrowing For Such Purpose', adopted by the Common Council at its meeting held May 3, 2005 be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating \$998,000 For Sewer System Improvements And Authorizing The Issuance Of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

3. "Shall the ordinance entitled 'An Ordinance Making Appropriations Aggregating \$998,000 For Water System Improvements And Authorizing The Issuance Of \$998,000 Bonds Or Notes Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose', adopted by the Common Council at its meeting held May 3, 2005 be approved?"

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Ordinance Making Appropriations Aggregating \$998,000 For Water System Improvements And Authorizing The Issuance Of \$998,000 Bonds Of The City To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose Be Approved? YES/NO"

4. Shall the Resolution authorizing the City to reuse certain parcels of land acquired on North Main Street for the construction of a new police station adopted by the Common Council at its meeting held May 3, 2005 be approved?

The form of the question and the ballot label on the voting machine shall be as follows:

"Shall the Resolution authorizing the City to reuse certain parcels of land acquired on North Main Street for the construction of a new police station adopted by the Common Council at its meeting held May 3, 2005 be approved? YES/NO"

The vote will be by voting machine. Those desiring to vote in favor of the adoption of the ordinances shall place the pointer over the question on the voting machine at "YES". Those desiring to vote against the adoption of the ordinances shall place the pointer over the question on the voting machine at "NO".

Electors of the City of Danbury and qualified voters are entitled to vote. A qualified voter is any citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the City for taxes assessed against him based on an assessment of not less than \$1,000 on the last completed grand list of the City or who would have been so liable if not entitled to an exemption as a blind person or as a veteran or as a widow or parent of a veteran.

Electors will be entitled to vote at the polling place in their respective voting districts. Polling places will be located in the following districts.

- Ward No. 1: Danbury High School, 43 Clapboard Ridge Road
- Ward No. 2: Pembroke School, 34 Pembroke Road
- Ward No. 3: Broadview Middle School, 72 Hospital Avenue
- Ward No. 4: Shelter Rock School, 2 Crows Nest Lane
- Ward No. 5: Danbury War Memorial, Memorial Drive
- Ward No. 6: Park Avenue School, 82 Park Avenue
- Ward No. 7: Mill Ridge Intermediate School, 1 School Ridge Road

Qualified voters will be entitled to vote at the polling place in the Common Council Chambers on the third floor of the City Hall, 155 Deer Hill Avenue.

The polls in said districts and at the City Hall will be open during the hours between 6:00 o'clock A.M. and 8:00 o'clock P.M. (E.S.T.)

Said vote is being held pursuant to Section 7-10(a) of the Revised Charter of the City of Danbury approved by the electors November 6, 1990.

Mr. Nolan made a motion to adopt the Resolution providing for a Special City Meeting regarding items 3, 4, 5 and 8 and providing language for a legal notice. Seconded by Mrs. Basso. Motion carried unanimously.

6 – ORDINANCES – Sewer Rates

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

THAT Subsection 16-4(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-4. Connection permits required; connection fee; refunds; penalty for violations.

(b) Connection fee. If no prior sewer assessment established in accordance with the provisions of section 16-50 of the Danbury Code of Ordinances has been paid on the premises to be connected to said sewer, or with respect to which the use is to be changed by adding residential units or expanding the floor area of nonresidential or mixed uses, then no permit shall be issued until a connection fee is paid to the City of Danbury according to the following:

- (1) The connection fee for buildings devoted to residential uses shall be fifteen hundred dollars (\$1500.00) per dwelling unit; and
- (2) The connection fee for buildings devoted to either nonresidential or mixed uses shall be as follows:

Building Use (Floor Area s.f.)	Connection Fee
up to 5,000 s.f.	\$ 2,500.00
from 5,001 s.f. to 10,000 s.f.	10,000.00
from 10,001 s.f. to 25,000 s.f.	20,000.00
from 25,001 s.f. to 50,000 s.f.	30,000.00
over 50,000 s.f.	50,000 plus \$100 for each 1,000 s.f. or part thereof over 50,000 s.f.

Whenever a change in use results in the addition of residential units or the expansion of the floor area of a nonresidential or mixed use, the connection fee associated with said change in use shall be calculated by subtracting the

connection fee that would be due hereunder for the old use from the connection fee that would be due hereunder for the new use.

The provisions of this subsection shall be effective on July 1, 2005.

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

THAT Section 16-6 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16-6. Connection to sewers required.

All persons who own or occupy and land fronting on a street through which a sewer is or shall be built shall connect all their sinks, drains, water closets and privies on said land with such sewer, and no cesspool shall be built or maintained on said land, nor shall the health department issue any permit for any cesspool on land so situated.

All owners of property on the line of the city sewers shall connect their respective premises with said sewers within sixty (60) days after receiving notice from the superintendent of public utilities. All persons who shall neglect to make connections within said time shall be liable to a penalty of one hundred dollars (\$100.00) for each and every day said neglect shall continue.

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

THAT Section 16-32 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Section 16-32. Sewer Use Charges.

(a) General Sewer use charges established. There are hereby established sewer use charges applicable with respect to all bills rendered on or after July 1, 2005, to all sewer customers provided with metered city water sewer. Sewer use charges shall be reflected on the quarterly billing in two (2) components. The first component shall be the sewer use charge for the operation and maintenance (O&M) of the Danbury sewage works (as defined in Section 16-1 hereof) and the second component shall be the sewer use charge for the retirement of debt service relating to system renovations and improvements. Such charges, established in accordance with criteria contained in Section 16-27 of this Code of Ordinances, shall be determined in accordance with the following formulas and values:

(1) Formulas:

$$a. \text{ Quarterly Sewer Use Charge (O\&M)} = 0.9 \times A \times \frac{X}{1,000 \text{ gallons}}$$

$$b. \text{ Quarterly Sewer Use Charge Residential Debt Service} = \frac{0.9 \times A \times Y}{1,000 \text{ gallons}}$$

Where "A" equals the volume of water, as measured through the customer's water meter, used during the previous billing quarter. Where X and Y are the values with respect to sewer use charges and classes. Notwithstanding the prior provisions of this section, there shall be a minimum quarterly sewer use charge, which shall be established herein.

(2) Values:

- a. For sewer use customers with metered city water service, the following sewer use charge values are hereby established:
 1. O&M value (X) = \$1.95
 2. Debt service values (Y) =
 - i. Residential, Class 1 and 1A = \$0.32
 - ii. Mixed residential/commercial, Class 2A=\$4.77
 - iii. Nonresidential, Class 2 and 3 = \$5.60
 - b. The minimum quarterly sewer use charge shall be twenty-one dollars and fifty-three cents (\$21.53).
- (b) For sewer use customers with flat rate city water service the quarterly sewer use charge shall be:
- (1) Residential (Class 1 and 1A) = one hundred and four dollars and seventy-four cents (\$104.74) per unit.
 - (2) Mixed residential/commercial (Class 2A) – two hundred and nine dollars and twenty-five cents (\$209.25) per unit.
 - (3) Nonresidential (Class 2 and 3) = two hundred and nine dollars and twenty-five cents (\$209.25) per unit.
- (c) For sewer use customers having no city water service the quarterly sewer use charge shall be:
- (1) Residential (Class 1 and 1A) = forty-nine dollars and eleven cents (\$49.11) per unit.
 - (2) Mixed residential/commercial (Class 2A) = One hundred seventy seven dollars and sixty-three cents (\$177.63) per unit.
 - (3) Nonresidential (Class 2 and 3) = One hundred ninety-four dollars and ninety-six cents (\$194.96) per unit.

For the purposes of subsections (b) and (c) hereof, a sewer unit shall represent the sewer use for a single-family dwelling. An additional sewer unit shall be assessed for each additional residence within any residential structure. A fractional sewer unit shall be assessed for a portion of the dwelling which, in the opinion of the superintendent of public utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single family dwelling. All non-residential flat rate city water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single family dwelling, in the opinion of the Superintendent of Public Utilities.

- (d) For purposes of this section, sewer use charges imposed upon military veterans' posts and organizations that are exempt from federal taxation under Section 501(c)(19) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be imposed at the residential rates established herein.

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

7 – ORDINANCES – Water Use Rates

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

THAT Section 21-13 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Section 21-13. Duty of plumbers to report connections.

It shall be the duty of each and every plumber in the city to make return in writing at the office of the superintendent of public utilities, during the first week of each month, of all connections or extensions of service pipe made by him and not previously returned, giving the location of the premises by street and number, if possible, the name of the owner or occupant, the character of the work, and the number of hydrants, baths, water closets fountains, hose and fixtures connected with such works. For each failure to comply with this section, each plumber shall forfeit and pay to the city, the sum of one hundred dollars (\$100.00) and the same may be collected from him in an action brought on this section in the name of the city. It shall be the duty of the superintendent of public utilities to report for prosecution all willful violations of this section.

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

THAT Section 21-16 of the Code of Ordinances of Danbury, Connecticut is hereby amended o read as follows:

Sec. 21-16. Trespassing on, injuring reservoirs, damaging waterworks property.

Every person who shall disturb, meddle with or fish in the waters of the reservoir, or skate or walk upon the ice of said reservoirs except with the express permission of the superintendent of public utilities, or shall trespass upon any part of the grounds connected therewith, except upon the walk, or shall willfully injure any pipe or other property used in connection with the waterworks shall, in addition to any penalty established pursuant to state law, be subject to a fine of not more than one hundred dollars (\$100.00).

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

THAT Subsection(a) of Section 21-42 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-42. Quarterly non-metered rates.

- (a) The following are established as the quarterly non-metered rates for the use of water, which rates shall be in effect for all bills rendered on or after July 1, 2005: two hundred and forty dollars and sixty-nine centers (\$240.69) per unit.

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

THAT Section 21-44 of the Code of Ordinances of Danbury, Connecticut is hereby repealed and the following language substituted in its place:

Sec. 21-44. Same – Ownership, installation, repair, testing, billing.

- a) The water use of each consumer shall be metered. All piping for meters shall be plumbed by the customer at his own expense. For purposes of this section, a "water meter" shall include any associated meter reading device.
- b) The city shall furnish, install, maintain, test and repair all water meters one inch or less in size and used by the city for the purpose of billing public water system customers. The city shall bear all costs so incurred.

- c) The city shall furnish, install, maintain, test and repair all water meters exceeding one inch in size and used by the city for the purpose of billing public water system customers for new water service initiated after July 1, 2005. The customer shall bear the expenses of the new meter acquisition and installation and the city shall bear the expense of future maintenance repair and if necessary, replacement of the meter.
- d) In the event of a change of property use by a customer that results in the need for a replacement meter exceeding one inch in size, the customer shall bear the expense of new meter acquisition and installation and the city shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- e) All customers owning water meters on the effective date of this ordinance that are used by the city for the purpose of billing public water system and that exceed one inch in size may elect to continue to own, maintain and repair said meters or may elect, at any time, to have the city furnish, own, install, maintain, and repair new meters. If a customer elects to have the city replace an existing meter, the customer shall bear the expense of the new meter acquisition and installation and the city shall bear the expense of future maintenance, repair and if necessary, replacement of the meter.
- f) All meters shall be subject to testing by the city at intervals as determined by the Superintendent of Public Utilities and at such other times as deemed necessary by said Superintendent. Whenever the city conducts a test of a water meter exceeding one inch in size pursuant to the provisions of this subsection, the cost of the test shall be billed to the customer.
- g) For purposes of this section, meter acquisition and installation costs shall be set by the Superintendent of Public Utilities and shall be generally equivalent to the cost of equipment, materials and services paid by the city.
- h) This section shall be effective on July 1, 2005.

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

THAT Section 21-46 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-46. Meter rates generally.

- (a) The following water meter rates shall be charged for those areas served and specified by the superintendent of public utilities. Such rates are for quarterly billings rendered on or after July 1, 2005, and are based on the consumption per thousand gallons (MG) as follows:

(1) 5/8-inch size meter:

Usage (MG)	
0-1.....	\$ 10.28
2.....	11.37
3.....	12.46
4.....	13.55
5.....	14.64
6.....	15.73
7.....	16.82
8.....	17.91
9.....	19.00
10.....	20.09
11.....	21.18
12.....	22.27

13.....	23.36
14.....	24.45
15.....	25.54

(2) ¾-inch size meter:

Usage (MG)

0-1.....	\$ 15.98
2.....	17.07
3.....	18.16
4.....	19.25
5.....	20.34
6.....	21.43
7.....	22.52
8.....	23.53
9.....	24.61
10.....	25.79
11.....	26.88
12.....	27.97
13.....	29.06
14.....	30.15
15.....	31.24

(3) 1-inch size meter:

Usage (MG)

0-1.....	\$ 33.05
2.....	34.14
3.....	35.23
4.....	36.32
5.....	37.41
6.....	38.50
7.....	39.59
8.....	40.60
9.....	41.68
10.....	42.86
11.....	43.95
12.....	45.04
13.....	46.13
14.....	47.22
15.....	48.31

(b) The following water meter rates shall be charged for those areas served and as specified by the superintendent of public utilities. Such rates are for quarterly billings rendered on or after July 1, 2005 and are limited to the first fifteen thousand (15,000) gallons of consumption and are based on the consumption per thousand gallons (MG) as follows:

Size of Meter
(inches)

1 ½.....	\$ 151.38
2.....	222.00
3.....	492.00
4.....	983.88
6.....	1,967.74
8.....	3,935.53
10.....	7,871.05

(c) For water consumed in excess of fifteen thousand (15,000) gallons and less than thirty thousand (30,000) gallons for any size meter the charge shall be

three dollars and eight cents (\$3.08) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2005.

(d) For water consumed in excess of thirty thousand (30,000) gallons and less than seventy-five thousand (75,000) gallons for any size meter the charge shall be three dollars and fifty-five cents (\$3.55) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2005.

(e) For water consumed in excess of seventy-five thousand (75,000) gallons for any size meter the charge shall be four dollars (\$4.00) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2005.

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

THAT Section 21-47 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-47. Additional rates and charges for special uses.

In addition to the rates as set forth in sections 21-42 and 21-46, the following rates and charges are hereby established for all bills rendered on or after July 1, 2005:

(1) Hydrant use by contractors \$500.00 plus an additional \$2.50 per one hundred (100) gallons

(2) The following quarterly rates shall be charged for water service to premises for fire protection purposes:

Size of Connection (inches)	Charge for Three Months
4 and under.....	\$ 133.10
6.....	249.58
8.....	366.04
10.....	499.13
12.....	665.52

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

THAT Subsection 21-48(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 21-48. Connection charges.

(a) Connection fee. If no prior water assessment has been paid on the premises to be connected to the Danbury public water system pursuant to section 21-56 et seq. hereof, then no connection permit shall be issued and no actual connection made until a connection fee is paid to the city according to the following:

(1) The connection fee for buildings devoted to residential uses shall be fifteen hundred dollars (\$1500.00) per dwelling unit; and

(2) The connection fee for buildings devoted to either non-residential or mixed uses shall be as follows;

Building Size (Floor Area s.f.)	Connection Fee
up to 5,000 s.f.	\$ 2,500.00
from 5,001 s.f. to 10,000 s.f.	10,000.00

from 10,001 to 25,000 s.f.	20,000.00
from 25,001 to 50,000 s.f.	30,000.00
over 50,000 s.f.	50,000 plus \$100 for each 1,000 s.f. or part thereof over 50,000 s.f.

- (3) With respect to all new water services requiring a meter exceeding one inch in size and with respect to all changes of property use by a customer that results in the need for a meter exceeding one inch in size, the cost of meter acquisition and installation shall be paid by the customer. Said costs shall be in addition to the connection fees described herein. For purposes of this section, meter acquisition and installation costs shall be set by the Superintendent of Public Utilities and shall be generally equivalent to the cost of equipment, materials and services paid by the city.

Whenever a change in use results in the addition of residential units or the expansion of the floor area of a non residential or mixed use, the connection fee associated with said change in use shall be calculated by subtracting the connection fee that would be due hereunder for the old use from the connection fee that would be due hereunder for the new use.

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

THAT Section 21-49 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows;

Sec. 21-49. Tank truck loads.

When the Superintendent of Public Utilities determines that water is available for tank truckload sale, water shall be billed at the following rates for all such water purchased on or after July 1, 2005.

	Per truck load
Up to 500 gallons.....	\$ 50.00
From 501 to 1000 gallons.....	100.00
From 1001 to 3000 gallons.....	300.00
From 3001 to 5000 gallons.....	500.00
More than 5000 gallons.....	1,000.00

Ms. Saracino made a motion to receive the communication and adopt the ordinances. Seconded by Mrs. Basso. Motion carried unanimously.

9 – ORDINANCE – Sewer Extensions

Mrs. Basso asked that this be deferred to public hearing. Mayor Boughton so ordered.

10 – RESOLUTION – Neighborhood Assistance Act

Ms. Saracino asked that this be deferred to public hearing. Mayor Boughton so ordered.

11 – RESOLUTION – Library Non-English Speaking Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut State Library has made funds for competitive grants available to public libraries within Connecticut for the purpose of assisting Connecticut libraries in providing outreach programs for non-English speaking populations; and

WHEREAS, the Danbury Public Library has made application to the Connecticut State Library for a grant of \$19,574.00, which requires a local in-kind match of \$4,894.00, plus \$150.00 cash match, the sum of which totals at least 25% of the amount of the grant; and

WHEREAS, a weekly daytime English language conversational group will further the English language learning opportunities for Danbury ESL's population; and

WHEREAS, computer workshops targeted to the ESL population will increase computer literacy and job opportunities; and

WHEREAS, developing a book collection in Hindi will serve the growing Indian population; and

WHEREAS, a part-time bi-lingual program assistant and a part-time children's program coordinator will be needed to assist in the activities of this grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY THAT all prior acts of authorized personnel of the Danbury Public Library and the Mayor of the City of Danbury in making application for said grant are hereby ratified and that the Mayor of the City of Danbury and the Director of the Danbury Public Library are hereby authorized to accept grant funds in the amount of \$19,574.00 upon approval of the City's application and to do any and all things necessary to effectuate the purposes thereof, provided, however, that any amendments to said application requiring expenditure of City of Danbury funds must receive prior approval by the Common Council.

Mr. Cavo made a motion to receive the communication, adopt the Resolution and authorize Mayor Boughton to execute any and all necessary documents. Seconded by Mr. Urice. Motion carried unanimously.

12 – RESOLUTION – Bioterrorism Emergency Preparedness Amendment

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Department of Public Health has made grant funds available to local health departments to provide for the development of local and regional Public Health Preparedness and Response plans concerning bioterrorism, the exercise of related drills, the development of local communication resources, and the training of local health department staff, for the period of August 31, 2004 through August 30, 2005; and

WHEREAS, for the time period of August 31, 2004 through August 30, 2005 grant funds not to exceed \$83,754.00 requiring no local match, were made available to the Danbury Health and Housing Department for a Public Health Preparedness Planning Grant; and

WHEREAS, for a time period of August 31, 2004 through August 30, 2005, grant funds will be increased by \$9,345.00 requiring no local match, will be made available to the Danbury Health and Housing Department for a Bioterrorism Public Health Preparedness and Response Grant; and

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

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

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all

contracts/agreements or amendments thereof, which do not require expenditure of City funds with the Connecticut Department of Public Health regarding said grant, and to take all actions necessary to accomplish the purposes of the grant.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark Boughton to execute the necessary documents to receive additional grant funding from the State of Connecticut Department of Public Health in the amount of \$9,345.00 for Bioterrorism/Emergency Preparedness Training adopted.

13 – RESOLUTION – Cost-Sharing Agreement, Route 37 at Madison Avenue

RESOLVED by the Common Council of the City of Danbury:

THAT Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, Connecticut 06810 is hereby duly authorized to execute an Agreement between the State of Connecticut and the City of Danbury for the sharing of the cost of the installation of Emergency Vehicle Pre-emption System equipment at the intersection of Route 7 (North Street) at Madison Avenue in the City of Danbury.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute the cost-sharing agreement with the State of Connecticut Department of Transportation for Emergency Vehicle Pre-emption System Equipment at Route 37 (North Street) and Madison Avenue adopted.

14 – RESOLUTION – Cost-Sharing Agreement – Route 6 at Westwood Drive

RESOLVED by the Common Council of the City of Danbury:

THAT Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, Connecticut 06810 is hereby duly authorized to execute an Agreement between the State of Connecticut and the City of Danbury for the sharing of the cost of the installation of Emergency Vehicle Pre-emption System equipment at the intersection of Route 6 (Mill Plain Road) at Westwood Drive in the City of Danbury.

The communication was received on the Consent Calendar and the Resolution authorizing the Mayor to execute the cost-sharing agreement with the State of Connecticut Department of Transportation for Traffic Control Signal Installation at Route 6 (Mill Plain Road) and Westwood Drive adopted.

15 – RESOLUTION – Cost-Sharing Agreement – Traffic Control Signal Installation

RESOLVED by the Common Council of the City of Danbury:

THAT Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, Connecticut 06810 is hereby duly authorized to execute an Agreement between the State of Connecticut and the City of Danbury for the installation of a traffic control signal at the intersection of Route 6 (Mill Plain Road) at Westwood Drive in the City of Danbury.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute the cost-sharing agreement with the State of Connecticut Department of Transportation for Traffic Control Signal Installation at Route 6 (Mill Plain Road) and Westwood Drive approved.

16 – COMMUNICATION – Appointment to the Environmental Impact Commission

Request from Mayor Mark Boughton that the appointment of Matthew N. Rose as a member of the Environmental Impact Commission for a term to expire December 1, 2007 be confirmed.

The appointment was confirmed on the Consent Calendar.

16A – COMMUNICATION – Appointment as Alarm Systems Hearing Officers

Request from Mayor Boughton that the appointments of Michael Safranek and Paul Estefan as Alarm Systems Hearing Officers be confirmed. The appointments were confirmed on the Consent Calendar.

17 – COMMUNICATION – Donation to the Library

Request from Library Director Betsy McDonough that a donation in the amount of \$116.36 from the Danbury Garden Club be accepted. Ms. Diggs made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

18 – COMMUNICATION – Donations from AWD

Request from Director of Public Works William Buckley that donations of disposal fees for the garbage and rubbish collected on Clean City Danbury Day, as well as of the roll-off containers and the drivers needed to transport the materials from AWD.

Ms. Teicholz made a motion to receive the communication, accept the donations and send a letter of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

19 – COMMUNICATION – Donation to the Police Department

Request from Socorro Barron that the City accept an ash urn for the Police Department. Mr. Trombetta made a motion that the communication be received, the donation accepted and a letter of thanks sent. Seconded by Ms. Saracino. Motion carried unanimously.

20 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Susan Tomanio for permission to accept donations in the total amount of \$100.00 for performances by The Cellmates. Mr. Calandrino made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

21 – COMMUNICATION – Request for Water Extension at 45 Woodside Avenue

Mr. Urice 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 Basso, Saadi and Esposito to the committee.

22 – COMMUNICATION – Funds for Police Special Services Account

Request from Police Chief Alan Baker that the sum of \$175,000 be transferred to the Police Department Special Services Account. The communication was received on the Consent Calendar and the transfer of funds authorized.

23 – COMMUNICATION – Funds for Corporation Counsel Litigation Account

Request from Corporation Counsel Robert Yamin that the sum of \$155,000 be transferred to the account entitled "litigation special" for the remainder of the fiscal year. This is to cover billable hours for outside law firms handling significant cases. A certification of funds was attached.

The communication was received on the Consent Calendar and the transfer of funds in the amount of \$155,000 authorized to the litigation special account.

24 – COMMUNICATION – Transfer of Funds – Bear Mountain Hiking Trail

Request from the Chairman of the Conservation Commission that the sum of \$6,000 from the Reserve Account for Conservation Improvements be released to arrange for the mowing of the meadow trails at Bear Mountain Reservation. A certification of funds was attached.

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

25 – COMMUNICATION – Danbury-Bethel Consolidated Agreement – Water System Interconnection

Mr. Riley asked that this be referred 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 Nolan, Diggs and Barry to the committee.

26 – COMMUNICATION – Timber Oak, South Street and Mannion’s Lane

Request from Attorney Paul Jaber that parcels of land be conveyed to the City for the above project. Mrs. McMahon asked that this be referred 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 Basso, Saadi and Esposito to the committee.

27 – COMMUNICATION – Petition to Stop Traffic Light on Southern Boulevard and Wooster Heights.

Mr. Nolan asked that this be referred to the Council Leadership, the Traffic Engineer, the Planning Commission, the Chief of Police and the Director of Public Works. Mayor Boughton so ordered.

28 – COMMUNICATION – Request for committee for Inter-Local Agreement

Mr. Nagarsheth asked that this be referred to the Mayor’s Office for appointment of a committee. Seconded by Mr. Nolan. Motion carried unanimously.

29 – REPORT – Conveyance of Private Property for Access at 57-59 Bear Mountain Road

Mr. Nolan made a motion to receive the report and approve the committee’s recommendation. Seconded by Mr. Urice. Mr. Esposito said he objected to selling park land but is okay with granting an easement. After further discussion, Mr. Visconti made a motion to refer this back to committee for further information. Seconded by Mr. Saadi. After further discussion, Ms. Saracino moved the question. Seconded by Mr. Saadi. Motion carried unanimously.

Motion to recommit carried unanimously.

30 – REPORT & ORDINANCE – Underage Drinking

Mr. Nolan submitted the following report and ordinance:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on April 25, 2005 at 7:05 P.M.

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

Council Members Seabury, Basso, Visconti, Riley, Urice, Saadi and Nolan offered comment on the bi-partisan effort put forth in crafting this ordinance.

Motion carried unanimously.

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section to be numbered 12-1.2, which said section reads as follows:

Sec. 12-1.2. Possession of alcohol by minors.

- (a) Findings and Intent. The unregulated possession of alcoholic liquor by minors can be detrimental to the general health, safety and welfare of the residents of the City of Danbury. Consumption of alcohol by minors unsupervised by parental authority may also create a health and safety risk to minors and a public nuisance. The City of Danbury seeks to protect, preserve and promote the quality of life of its residents by regulating the possession of alcohol by minors.
- (b) Definitions. As used in this section, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended.
 - (1) "Adult" shall have the same meaning as the term defined in section 1-1d of the Connecticut General Statutes, as amended from time to time.
 - (2) "Alcoholic liquor" shall have the same meaning as the term defined in section 30-1(3) of the Connecticut General Statutes, as amended from time to time.
 - (3) "Head of household" shall mean any person who maintains as said person's home a household, either through an ownership interest, as a tenant or as a licensee, which constitutes the principal place of abode of said person.
 - (4) "Host" shall mean to organize a gathering of three or more persons, or to allow the premises under one's control to be used with one's knowledge for a gathering of three or more persons, for personal, social or business interaction.
 - (5) "Immediate Family Member" shall mean an individual related by affinity and consanguinity within the first two degrees of kinship as determined by common law.
 - (6) "Minor" shall have the same meaning as the term defined in section 30-1(12) of the Connecticut General Statutes, as amended from time to time.
- (c) Prohibited Acts.
 - (1) No Minor shall possess any container of alcoholic liquor within the City of Danbury, whether opened or unopened, whether on public or private property, unless such minor:
 - (i) is accompanied by or in the presence of his parent, guardian or spouse who has attained the age of twenty-one years; or
 - (ii) is accompanied by or in the presence of an immediate family member who has attained the age of twenty-one years and who has received express authorization from the parent, guardian or spouse of said minor to permit said person to possess said alcoholic liquor; or
 - (iii) has express authorization from said person's parent, guardian or spouse to permit said person to possess said alcoholic liquor within said person's residence; or
 - (iv) No person shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by or dispensed to any minor unless said minor is:

- (i) accompanied by or in the presence of his parent, guardian or spouse who has attained the age of twenty-one years; or
- (ii) accompanied by or in the presence of an immediate family member who has attained the age of twenty-one and who has received express authorization from the parent, guardian or spouse of the minor to permit said person to possess said alcoholic liquor.

This prohibition shall apply to any event or gathering within the City of Danbury, whether conducted on public or private property.

(d) Exceptions. Notwithstanding the above nothing herein shall prohibit:

- (1) the serving or selling of alcoholic liquor by a minor if otherwise permitted by the Connecticut General Statutes; or
- (2) the free exercise of religious worship or ceremony, as protected by the First Amendment to the Constitution of the United States and Article Seventh of the Constitution of the State of Connecticut, which may include the possession or consumption of alcohol by a minor.

(e) Enforcement. The Chief of Police or any member of the Danbury Police Department is charged with enforcing the provisions of this Section.

(f) Violations.

- (1) Any person violating any provisions of this Section shall be subject to a fine of ninety dollars (\$90.00) for each such offense. Each violation of this Section shall constitute a separate offense.
- (2) In the case of violations of Sec. 12-1.2(c)(2), the presence of each minor at such event or gathering shall constitute a separate offense.

(g) Alcohol Abuse Education Funding. All funds collected by the City of Danbury pursuant to any violation of this section shall be earmarked specifically to funding alcohol and substance abuse education programs conducted by the Danbury Police Department within the Department's current youth education programming.

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

31 – REPORT – Government Entities Review and Evaluation

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole on April 25, 2005 in the Common Council Chambers in City Hall following a public hearing.

Mr. Cavo made a motion to recommend that the Common Council adopt the recommendations of the Government Entities Review and Evaluation Committee. Seconded by Mr. Urice. Motion carried unanimously.

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

32 – REPORT – Child Care Center Project

Mr. Urice submitted the following report:

The Common Council Committee appointed to review the Boehringer Ingelheim Child Care Project met on April 19, 2005 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Urice, Steinerd and Barry. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, John Hardison, Lenny Lustino and David Ambrose from Boehringer, Chris DeAngelis from Vollmer Associates and Council Member Joe Cavo, ex-officio.

Mr. Buckley stated that the Common Council had received a letter from Boehringer Ingelheim outlining their proposal to build a Child Care Center. This request is for water service. Sewer is covered by an existing intermunicipal agreement. The Common Council has authorized connections to Ridgefield in the past. The rate was set at 50% premium over what our current rates are. This is also subject to water rates and a connection fee.

Mr. Urice asked if the rate is commercial or residential? Mr. Buckley said the rates are the same. Mr. Urice asked if Boehringer would pay all construction costs? Mr. Buckley said that was correct. They are only going to tap the water main. This is not subject to the normal eight steps. We are not going to own this.

Mr. Barry made a motion to recommend that the Common Council approve this connection to the City Water System subject to a usage fee rate of 1.5 times the usage rate for Danbury customers and 1.5 times the connection fee. Seconded by Mr. Steinerd and carried unanimously.

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

33 – REPORT – Lease of City Land to Audi

Mr. Riley submitted the following report:

The Common Council Committee appointed to review a lease of City land to Danbury Audi met on April 13, 2005 at 7:00 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, Director of Finance & Personnel Dena Diorio, the petitioner Josh Weeks and his attorney Van Murray, as well as Council Members Urice and Teicholz, ex-officio.

Attorney Pinter stated that this committee met last July at which time some clauses needed to be changed. The original lease was going to be 1.7 acres of land. Since that time, the proposed area has been reduced to 33,000 square feet. That area would be leased to Mr. Weeks for parking of motor vehicles. Mr. Weeks will pave the area. The lease would be for a period of ten years and provides for two five-year renewal periods. The rent will be \$675.00 per month for the first three years and would increase two percent each year after that. The tenant has the right to pave the area and must be insured for two million dollars. The tenant must indemnify the City against injuries on the property that are his fault. He must have all approvals and Airport permission. Approval from the Environmental Impact Commission has been obtained. The Planning Commission approved the larger site earlier last year and since this site is smaller there is no reason to obtain an additional approval.

Mr. Steinerd asked Attorney Pinter about the problems as to where the cars would be parked. Attorney Pinter said there were two concerns, what the property was and some designation of the property was misunderstood. There are clauses in the contract pertaining to the property that fronts the Airport. The interests of the FAA must be protected. This property is not used for aviation purposes. Attorney Murray said there was an issue as to what the site was. They went to the EIC and then had substantially less leased space. (At this point Aviation Chairman John Ashkar joined the meeting.)

Mr. Visconti asked Mr. Ashkar if the Aviation Commission discussed getting an approval letter from the FAA. Mr. Ashkar said he is sure the buildings were

discussed a long time ago since they would have to have approval from the FAA regarding hazards. Attorney Murray stated that they did go through a procedure with the FAA and did get written approvals for the building. Mr. Visconti asked if it would be necessary to get a letter from the FAA? Attorney Pinter stated that there is language protection contained in the lease.

Mr. Steinerd made a motion to recommend that the Common Council approve the lease. Seconded by Mr. Visconti. Attorney Pinter said he would procure in writing that the FAA approves this lease. Motion carried unanimously.

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

34 – REPORT – Candlewood Park Concession Lease

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the Candlewood Park Concession Stand lease met on April 25, 2006 at 7:06 P.M. in Conference Room 3C in City Hall. In attendance were Committee Members Basso and Saadi. Also in attendance were Director of Parks and Recreation Craig Renda, Deputy Corporation Counsel Eric Gottschalk, the lessee Mike DiBenedetto and Council Member Joe Cavo, ex-officio.

Mrs. Basso asked Attorney Gottschalk for an overview of the lease. Attorney Pinter said the lease runs for five seasons and provides for a progressive rent scheduled. It was subject to the competitive bid process and Mr. DiBenedetto was the only bidder. The lease is consistent with past leases.

Mr. Saadi asked Mr. Renda for any comments. Mr. Renda responded that he had checked Mr. DiBenedetto's references and they were all favorable.

The Planning Commission issued a positive recommendation.

Mr. Saadi made a motion to recommend that the Common Council approve the lease and authorize the Mayor to sign the necessary documents. Seconded by Mrs. Basso. Motion carried unanimously.

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

35 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Building Department, Permit Center, Economic Development, Welfare & Social Services, Elderly Services, Health and Housing. Mr. Nolan made a motion to receive the report and waive the reading as all members have copies. 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 9:40 P.M. by Mrs. Basso for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON, Mayor

