

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

RE: Minutes of the Common Council Meeting held October 4, 2005

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** – Johnson, Trombetta, Calandrino, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Cutsumpas, Nagarsheth, Riley, Seabury and Stanley

**ABSENT** – McMahon

20 PRESENT – 1 ABSENT

Mrs. McMahon was out of town.

### **PUBLIC SPEAKING**

Marjorie Brook, 4 Cannondale Drive – supports the City maintaining Cannondale Drive

Lynn Waller, 83 Highland Avenue – Please that the Common Council will considering removing the sunset provision in the Tax Exemption for Veterans ordinance.

**MINUTES** – Minutes of the Common Council Meeting held September 7, 2005

Mr. Nolan made a motion to approve the minutes and waive the reading. Seconded by Ms. Saracino. Motion carried unanimously.

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

2 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to execute the necessary documents to apply for and receive grant funds in the amount of \$486,000 over a period of October 1, 2005 through September 30, 2007 from the State of Connecticut Department of Public Health to fund the WIC Supplemental Nutrition Program.

3 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton, or his designee Director of Health Scott Leroy, to execute the necessary documents to receive a \$1,400.00 travel scholarship from the National Assembly on School Based Health Care, which will allow the City's Health Promotion Coordinator to participate in a national workshop on Advocacy Development and Social Marketing.

4 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for and receive a Thanksgiving/Christmas/New Year's DUI Enforcement Grant from the Connecticut Department of Transportation in the amount of \$15,075.00 requiring a local match of \$5,025.00.

5 – Receive the communication and adopt the Resolution extending the time period afforded to acquire utility easements previously authorized related to Concord Street to April 4, 2006.

7 – Receive the communication and confirm the appointment of Margaret Koschel as an Alternate Member of the Fair Rent Commission.

12 – Receive the communication and authorize the transfer of \$20,000 to the Fire Department Special Services Account.

13 – Receive the communication and authorize the transfer of \$16,200.00 from the Contingency Account to the Registrars of Voters Account #1060 as outlined in the certification from the Director of Finance & Personnel.

14 – Receive the communication and authorize the transfer of \$28,000.00 from the Contingency Account to the Airport budget line item 9200.5511 as outlined in the certification from the Director of Finance and Personnel.

15 – Receive the communication and authorize the transfer of \$6,000 from the property rental account to the Conservation Commission as outlined in the certification by the Director of Finance & Personnel.

17 – Receive the communication and allow the developer to convey the Westville Commons Condominiums sewer and water improvements in stages as outlined in the report from Public Works.

25 – Receive the report and recommend that the petitioner be granted an easement as requested with the stipulation that the Engineering Department add language to the easement agreement protecting the City from all liability now and in the future.

26 – Receive the report and recommend that the Engineering Department conduct a study as proposed by the committee.

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

1 – ORDINANCE – Tax Exemption for Veterans

Mrs. Stanley asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance and the Tax Assessor. Mayor Boughton so ordered and appointed Council Members Urice, Basso and Saadi to the committee.

2 – RESOLUTION – WIC Supplemental Nutrition Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health Services has notified the City of Danbury Health and Housing Department of its eligibility to apply for a renewal grant for its Women, Infants and Children's (WIC) Supplemental Nutrition Program; and

WHEREAS, the Danbury Health and Housing Department's WIC Program for Danbury area residents provides nutrition education and supplemental foods to pregnant women, nursing mothers and children up to five; and

WHEREAS, the Supplemental Nutrition Grant will be in an amount not to exceed \$486,000.00 and will cover the grant term from October 1, 2005 through September 30, 2007 and requires no matching funds from the City of Danbury; and

WHEREAS, the total grant for the 2-year period is not to exceed \$486,000.00.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury and Scott Leroy, Director of Health, are hereby authorized to apply for said grant on behalf of the Danbury Health and Housing Department; and

BE IT FURTHER RESOLVED THAT to accomplish the purposes of said program. Mark D. Boughton, Mayor of the City of Danbury is hereby empowered to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof, with the State of Connecticut

Department of Public Health Services and to accept said grant funds, if offered.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute the necessary documents to apply for and receive grant funds in the amount of \$486,000 over of a period of October 1, 2005 through September 30, 2007 from the State of Connecticut Department of Public Health to fund the WIC Supplemental Nutrition Program adopted.

### 3 – RESOLUTION – Scholarship for School-Based Health Centers

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the National Assembly on School-Based Health and the Connecticut Association of School Based Health Centers have offered a \$1400.00 travel scholarship for the City to participate in advocacy development and leadership training; and

WHEREAS, the scholarship would permit Melanie Bonjour, the City's Health Promotion Coordinator, to attend the training session in Washington D.C. between October 30, 2005 and November 2, 2005; and

WHEREAS, this session is the second such participatory event and permits such local officials to interact with federal officials involved with school based health advocacy.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton or his designee, Director of Health Scott Leroy, be and hereby are authorized to accept the scholarship from the National Assembly on School-Based Health and the Connecticut Association of School Based Health Centers and to execute such documents as maybe necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton, or his designee Director of Health Scott Leroy, to execute the necessary documents to receive a \$1,400.00 travel scholarship from the National Assembly on School Based Health Care, which will allow the City's Health promotion Coordinator to participate in a national workshop on Advocacy Development and Social Marketing approved.

### 4 – RESOLUTION – DUI Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of \$15,075.00 for the 2005-2006 Thanksgiving/Christmas/New Year's Driving Under the Influence Enforcement Program; and

WHEREAS, a local cash match of \$5,025.00 is required in order to reach the total cost of the program, which is \$20,100.00.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and receive a Thanksgiving/Christmas/New Year's DUI Enforcement Grant from the Connecticut Department of Transportation in the amount of \$15,075.00 requiring a local match of \$5,025.00 adopted.

5 – RESOLUTION – Acquisition of Easements for Utility Lines in Concord Street

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as part of a private development project, utility lines are proposed to be extended across an area described on various maps as Concord Street; and

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

WHEREAS, the ownership of Concord Street is ambiguous and eminent domain proceedings will therefore be necessary to acquire any inconsistent private ownership interests in and to the real property easements described in Exhibit A legal description attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of the Corporation Counsel be and hereby is authorized to acquire property interests as set forth in the Exhibit A legal description attached hereto, on or before April 4, 2006, either by negotiation or by eminent domain through the institution of suit against the property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrancers, if any.

The communication was received on the Consent Calendar and the resolution extending the time period afforded to acquire utility easements previously authorized related to Concord Street to April 4, 2006 adopted.

6 – COMMUNICATION – Promotions in the Police Department

Letter from Mayor Boughton requesting confirmation of the following promotions in the Police Department:

Sergeant John Browne to the rank of Lieutenant. Mr. Trombetta made a motion to receive the communication and confirm the promotion of Sergeant John Browne to the rank of Lieutenant. Seconded by Ms. Saracino. Motion carried unanimously.

Detective Bryan J. Bishop to the rank of Sergeant. Mr. Seabury made a motion to confirm the promotion of Detective Bryan J. Bishop to the rank of Sergeant. Seconded by Mrs. Basso. Motion carried unanimously.

Officer Gary R. Guertin to the rank of Detective. Mr. Urice made a motion to confirm the promotion of Gary R. Guertin to the rank of Detective. Seconded by Mr. Cavo. Motion carried unanimously.

6A – COMMUNICATION – Appointments to the position of Firefighter within the Danbury Fire Department.

Letter from Mayor Boughton requesting confirmation of the appointment of Seth Ambruso, James Crowell, Richard Gallagher, Raymond Guard, Shawn McGee, and Kevin Sullivan as firefighters.

Ms. Teicholz made a motion to receive the communication and confirm the appointments. Seconded by Ms. Saracino. Motion carried unanimously.

7 – COMMUNICATION – Appointment as Alternate to the Fair Rent Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Margaret Koschel as an alternate member of the Fair Rent Commission for a

term to expire July 1, 2008. The communication was received on the Consent Calendar and the appointment of Margaret Koschel confirmed.

#### 8 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a wall sculpture for Fire Department Headquarters from the Yamin family. Mr. Nagarsheth made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Urice. Motion carried unanimously.

#### 9 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the total amount of \$150.00 for the professional services account. 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. Urice. Motion carried unanimously.

#### 10 – COMMUNICATION – Donation from Boehringer Ingelheim

Letter from Mayor Mark Boughton requesting that the City accept a donation from Boehringer Ingelheim in the amount of \$911. This is the third of five annual donations to honor Danbury. Mr. Steinerd made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

#### 11 – COMMUNICATION – Donation to the Police Department

Letter from Kay M. Schreiber, Manager of CityCenter requesting permission to donate a datalogging meter for the Police Department. Mr. Cavo made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

#### 12 – COMMUNICATION – Fire Department Special Services Account

Letter from Fire Chief Peter Siecienski requesting that the sum of \$20,000 be transferred in to the Special Services Account due to ongoing events. The communication was received on the Consent Calendar and the transfer of funds authorized.

#### 13 – COMMUNICATION – Registrars of Voters Budget

Certification of Funds from Director of Finance Dena Diorio requesting that the sum of \$16,200 be transferred in to the Registrars of Voters budget to cover the cost of the September 27, 2005 referendum. The communication was received on the Consent Calendar and the transfer of funds authorized.

#### 14 – COMMUNICATION – Funds for the Airport

Request from Airport Administrator Paul Estefan that the sum of \$28,000 to cover the cost of crack sealing be transferred to the Airport Budget. A certification of funds was attached. The communication was received on the Consent Calendar and the transfer of funds authorized.

#### 15 – COMMUNICATION – Bear Mountain Hiking Trail

Letter from Matt Antonetti, Chairman of the Conservation Commission asking that the sum of \$6,000 from the Reserve Account for Conservation Improvements to be used 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.

16 – COMMUNICATION – Road Maintenance for Cannondale Drive

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

17 – COMMUNICATION – Westville Commons Condominiums

Letter from Attorney Robin Kahn requesting that the terms of the sewer and water extensions approval be modified to permit the developer to convey the sewer and water improvements in the condominiums to the City in phases. The communication was received on the Consent Calendar and the developer allowed to convey the Westville Commons Condominiums sewer and water improvements in stages as outlined in the report from Public Works.

18 – COMMUNICATION – Water Access for Ridgebury Road

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

19 – COMMUNICATION – Request for Committee regarding Vendor Permits

Mrs. Stanley asked that this be referred to an ad hoc committee, the Director of the Permit Center, the Zoning Enforcement Officer, the Corporation Counsel and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Stanley, Johnson and Visconti to the committee.

20 – COMMUNICATION – Request to Change Name of Smoke Hill Drive to Pondfield Road

Mr. Trombetta asked that this be referred to an ad hoc committee, the Corporation Counsel, the Planning Director, the Planning Commission and the Fire Department 911 Emergency Coordinator. Mayor Boughton so ordered and appointed Council Members Nolan, Trombetta and Saadi to the committee.

21 – COMMUNICATION – Reports regarding Osborne Street Storm Water Drainage

Mr. Nolan made a motion to receive the reports and direct the Public Works Department to report back in 90 days regarding the outcome of the interim reports. Mayor Boughton so ordered.

22 – COMMUNICATION – Report regarding sign for Old Great Plain School

Ms. Saracino made a motion to receive the report and authorize the Mayor's Office to proceed with the necessary steps to facilitate the placing of the sign. Seconded by Mr. Nolan. Motion carried unanimously.

23 – COMMUNICATION – Reports regarding Candlewood park – Extension of Public Water System

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

24 – COMMUNICATION – Reports regarding Donation of Land on Tarrywile Lake Road to the City

Ms. Diggs asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel, Director of Tarrywile Park and the

Planning Commission. Mayor Boughton so ordered and appointed Council Members Diggs, Nagarsheth and Barry to the committee.

## 25 – REPORT – Rockwood Lane Access

Ms. Diggs submitted the following report: The Common Council Committee appointed to review a request for access to Rockwood Lane met on September 13, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Diggs, Riley and Saadi. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, the petitioner Vinny Dascano and his attorney, Sal Chieffalo and Council Member Mary Teicholz, ex-officio.

Ms. Diggs noted the positive recommendation from the Planning Commission. Mr. Buckley stated that Paul DeFabritis asked to purchase this property in April 2001. He said that he sees no value for the City to retain this parcel. It was obtained by a tax foreclosure. It is landlocked and is not surrounded by any other City property. The Common Council voted to declare this parcel surplus on July 3, 2001. He does not know why the sale did not happen. He does not recommend giving an easement. It is a liability for the City to retain it.

Attorney Gottschalk stated that in September 2001, the City obtained a fair market value price of \$20,000 and that was the last the City heard from Mr. DeFabritis. The Common Council can vote to sell the property outright or can sell it through the bidding process. If you chose to grant driveway rights, you would have to have the Director of Public Works address additional elements. Attorney Chieffalo stated that his client already has the right to pass and repass granted in the early part of the century. He is looking for some driveway rights, but would not be averse to buying this property in the future. Right now he needs an easement to install utilities.

Mr. Riley asked if an easement were granted, would language be added to the easement agreement to make sure the City would not be held liable? Attorney Chieffalo stated that his client would be glad to provide proof that he has a five million dollar liability policy.

Mr. Saadi asked if Mr. DeFabritis has stated expressly that he does not want to purchase the property? Attorney Gottschalk said he did not hear from him in 2001. When Mr. Dascano submitted his petition it got Mr. DeFabritis's attention. He prepared a letter for the agenda requesting that he be permitted to acquire the land and then he withdrew the letter. Mr. Dascano stated that he and Mr. DeFabritis agreed that in the future they would share the \$20,000 cost, but they need the utilities now.

Mr. Riley made a motion to recommend that the petitioner be granted an easement as requested with the stipulation that the Engineering Department add language to the easement agreement protecting the City from all liability now and in the future. Seconded by Mr. Saadi.

Mr. Saadi asked Mr. Buckley if he had any additional concerns? Mr. Buckley stated that there is a list in the easement agreement. Mr. Buckley asked if the easement is being given for free? Attorney Chieffalo said he had a conversation with Attorney Gottschalk and the six points have been addressed and will be in addressed in writing before the granting of the easement. Attorney Gottschalk said that all points of concern are identified in the May 17<sup>th</sup> report and none of them reflects a deal breaker. He has a fair level of confidence that each address can be appropriately addressed by letter or in the document.

Mr. Saadi made an amendment to the motion to require that the six points raised by Mr. Buckley are adequately addressed prior to the granting of the easement. Seconded by Mr. Riley. Motion to amend passed unanimously. Main motion, as amended, passed unanimously.

The report was received on the Consent Calendar and the recommendation that the petitioner be granted an easement as requested with the stipulation that the Engineering Department add language to the easement agreement protecting the City from all liability now and in the future approved.

#### 26 – REPORT – Replacement Pipes on Deer Hill Avenue

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the pipes that need to be replaced on Deer Hill Avenue met on September 13, 2005 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Basso, Seabury and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley and Council Members Visconti, Teicholz, McMahon and Diggs, ex-officio.

Mr. Visconti stated that there is a drainage problem. The pipes are very small and need to be replaced with 16 or 20-inch pipes. Two drains at the bottom of Seeley Street and Mountainville Avenue clog up. Mr. Barry asked if there are any storm drains on Seeley Street. Mr. Buckley said he is not sure. There are catch basins on some of the streets. There are no maps that show where the pipes go. With drainage, you start at the bottom of the hill, which is Rogers Park. There is a drainage problem there as well. Mr. Buckley said he has requested money in the budget for drainage and he did receive funding for mapping, which is in the process of being done. He is trying to get an idea where catch basins exist. He has a drainage list and tries to take care of problems.

Mr. Barry said does not believe there are storm drains on Seeley Street. There is a problem whenever there is significant rainfall. The west side of Mountainville Avenue has experienced water in basements. Mr. Buckley said the water comes from the east side of Seeley Street. Everyone discharges water from their roofs. Mr. Barry said he is not sure that Seeley Street needs storm drains. The critical problem is at the base of the hill.

Mr. Barry made a motion to recommend that the Engineering Department conduct a study on Seeley Street and Mountainville Avenue and the immediate area to see if corrective action to alleviate the overflow drainage can be conducted. Seconded by Mr. Seabury. Mr. Barry stated that this would put it on a list so eventually something will happen. Mr. Seabury asked about the cost. Mr. Buckley said it would be \$200 per lineal foot.

Motion carried unanimously.

The report was received on the Consent Calendar and the recommendation that the Engineering Department conduct a study as proposed by the committee approved.

#### 27 – REPORT – Name of Parking Garage

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review the naming of the new parking garage on Library Place met on September 13, 2005 at 8:00 P.M. In attendance were committee members Basso, McMahon and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk and Debbie Pacific from the Parking Authority.

Mrs. McMahon stated that the committee was appointed to review the name of the new parking garage on Library Place. Since there are some issues as to when the new garage will be built, she feels it would be appropriate to add the name of Terence E. McNally to the existing garage on Patriot Drive. The Patriot Garage was Mr. McNally's second home. Mrs. McMahon said that Mr.

McNally did an outstanding job as the Parking Authority Director and as a result of his leadership the Patriot Garage has become a viable asset to the downtown area.

Mrs. McMahon made a motion to rename the existing garage the Terrence E. McNally Patriot Garage. Seconded by Mr. Barry who noted that Mr. McNally spent most of his waking hours at the garage so it is more than fitting that it bear his name. Motion carried unanimously.

Mr. Nolan made a motion to receive the report and approve the change of name to the Terrence E. McNally Patriot Garage. Seconded by Ms. Saracino. Motion carried unanimously.

#### 28 – REPORT – Request to Purchase Land on Morgan Avenue

Mrs. Stanley submitted the following report:

The Common Council Committee appointed to review the request to purchase land on Morgan Avenue met on September 27, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Stanley and Cavo. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, Joe Boa from the Portuguese Cultural Center and Council Member Shay Nagarsheth, ex-officio.

Mrs. Stanley noted the positive recommendation from the Planning Commission. Mr. Buckley showed the parcel on a map and say that he would recommend declaring the property surplus and putting it out for bids. There is no other City property in that area and this parcel is too small to use for a police or fire station or for a school. Selling this parcel would put it on the tax rolls. The City has no need for this property.

Attorney Gottschalk stated that the Common Council could sell the property outright or could direct the Purchasing Agent to offer it for sale through the bidding process. The Tax Assessor's field card puts the assessed value at \$8,400.00.

Mr. Cavo asked Mr. Boa what the land would be used for. Mr. Boa said they have no specific use for it at this time.

Mr. Cavo made a motion to recommend that the parcel be declared surplus and the Purchasing Agent be directed to offer the land by the bidding process to abutting property owner at a price of \$8,400.00. Seconded by Mrs. Stanley. Motion carried unanimously.

Mrs. Basso made a motion to receive the report, declare the parcel surplus and direct the Purchasing Agent to be directed to offer the land by the bidding process to abutting property owners at a price of \$8,400.00. Seconded by Ms. Saracino.

Mr. Urice offered an amendment to insert the word "minimum" before the word price in the main motion. Seconded by Mr. Nolan. Motion to amendment carried unanimously.

Main motion, as amended, carried with 19 –0 with Mr. Saadi abstaining.

#### 29 – COMMUNICATION – Pending Dispute – Grenier Property

Mr. Nolan asked that this be referred to the Planning Commission. Mayor Boughton so ordered.

30 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Health and Housing, Permit Center, Department of Elderly Services, Emergency Management.

Mr. Nolan made a motion to receive the department reports and waive the reading. Seconded by Mr. Cavo. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Nolan at 8:15 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