

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

RE: Minutes of the Common Council Meeting held November 1, 2005

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

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

ABSENT – Barry

20 Present – 1 Absent

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – thanked the Common Council for the extension of the veteran's tax exemption.

Warren Levy, 5 Pilgrim Drive – Spoke in favor of item 13, Lions Playground. Spoke about the Lion's programs and asked that the Rowan Street property be renamed to the Lion's Playground.

MINUTES – Minutes of the Common Council Meeting held October 4, 2005. Mr. Nolan made a motion to adopt the minutes as presented and waive the reading as all members have copies. Seconded by Mr. Nagarsheth. Motion carried unanimously.

CONSENT CALENDAR

Mrs. Basso submitted the following items for the Consent Calendar:

1 – 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 \$169,400.00 over a period of August 31, 2005 through August 30, 2007 from the State of Connecticut Department of Public Health for the purpose of bioterrorism training, drills and risk assessment programs to be conducted by the Danbury Department of Health and Housing.

2 – Receive the communication and adopt the resolution authorizing the abatement of up to \$25,000 of taxes on the Beaver Street Apartments Cooperative, Inc. for the Grand List as of October 1, 2004.

3 – Receive the communication and adopt the resolution extending the time period for acquisition of properties related to the Hawthorne Terrace Water System to May 1, 2006.

4 – Receive the communication and adopt the resolution extending the time period for acquiring drainage easements related to storm drains from the Juniper Ridge/Ezra Road neighborhood to the Padanaram Brook to May 1, 2006.

5 – Receive the communication and adopt the resolution extending the time period afforded to acquire certain properties related to the Senior Center Phase II project to May 1, 2006.

7 – Receive the communication and confirm the appointment of Ronald A. Haberman as an Alternate Member of the Commission on Aging; the appointment of Arlene N. Strucky as a Member of the Commission on Aging; and the reappointment of the Honorable Dianne Yamin as a Member of the Commission on Aging.

8 – Receive the communication and confirm the appointment of Louis Fulinello as a Member of the Youth Commission and Daniel Denaro as a Youth Advisor to the Youth Commission.

12 – Receive the communication and authorize the transfer of \$25,000 to the Fire Department Special Services Account.

20 – Receive the reports and postpone action until the December Common Council Meeting to allow the Fourth Ward Council Members to communicate with interested parties.

24 – Receive the report and adopt the committee recommendation relative to Cannondale Drive.

26 – Receive the report and adopt the committee recommendation regarding sewer and water extensions to 13 French Street.

27 – Receive the communication and adopt the committee recommendation regarding water extension to 14 Clapboard Ridge Road.

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

1 – RESOLUTION – Bioterrorism Response Preparedness Grant

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 Planning Grants 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, 2005 through August 30, 2007; and

WHEREAS, for the time period of August 31, 2005 through August 30, 2007 grant funds not to exceed \$169,400.00, requiring no local match, will be made available to the Danbury Health and Housing Department for a Public Health Preparedness Planning 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 the 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 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 D. Boughton to execute the necessary documents to apply for and receive grant funds in the amount of \$169,400.00 over a period of August 31, 2005 through August 30, 2007 from the State of Connecticut Department of Public Health for the purpose of bioterrorism training, drills and risk assessment programs to be conducted by the Danbury Department of Health and Housing adopted.

2 – RESOLUTION – Beaver Street Apartments Cooperative, Inc.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under {8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury adopted on October 3, 1973, and has executed a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$2,307,900; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed \$25,000.00 for the Grand List of October 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;
2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and rescissions of said contract in the name of and on behalf of the City of Danbury;
3. That the real property taxes abated on the subject property are not to exceed \$25,000.00 for the Grand List of October 1, 2004;
4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement and the Tax Collector is further directed to record these facts in her annual report in accordance with the provisions of {12-167 of the Connecticut General Statutes as amended;
5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;
6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

The communication was received on the Consent Calendar and the resolution authorizing the abatement of up to \$25,000.00 of taxes on the Beaver Street Apartments Cooperative, Inc. for the Grand List as of October 1, 2004 adopted.

3 – RESOLUTION – Acquisition of Property for Hawthorn Terrace Water System

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and

WHEREAS, the City of Danbury engineering department is nearing completion of the design of improvements; and

WHEREAS, in the course of preparing said design it was determined that two existing water system pump houses and the properties on which they are located need to be acquired by the city; and

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before May 1, 2006, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

The communication was received on the Consent Calendar and the resolution extending the time period for acquisition of properties related to the Hawthorn Terrace Water System to May 1, 2006 adopted.

4 – RESOLUTION – Acquisition of Easement – Padanaram Road Drainage

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to formally accept a drainage easement relative to an existing storm drain from Ezra Road/Juniper Ridge Road area to the Padanaram Brook; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to May 1, 2006, the property interest as set forth in the attached legal description either by negotiation or by eminent domain through the institution of suit against the named property owner, his heirs, executors, successors and assigns and his respective mortgage holders and encumbrances, if any.

The communication was received on the Consent Calendar and the resolution extending the time period for acquiring drainage easements related to storm drains from the Juniper Ridge/Ezra Road neighborhood to the Padanaram Brook to May 1, 2006 adopted.

5 – RESOLUTION – Acquisition of Properties, Senior Center Phase II

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has received HUD financing approval through the HUD Development Block Grant Section 108 Program, for development of the proposed Senior Center Campus; and

WHEREAS, the development of the Campus will require the acquisition of several parcels of land in the vicinity of the existing Senior Center; and

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

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

WHEREAS, it is in the best interest of the City of Danbury to acquire said property and proceed with the Senior Center Campus project.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the property set forth on EXHIBIT A attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owner and holders of mortgages or other inconsistent interests encumbering the properties, if any, by May 1, 2006.

The communication was received on the Consent Calendar and the resolution extending the time period afforded to acquire certain properties related to the Senior Center Phase II project to May 1, 2006 adopted.

6 – COMMUNICATION – Certified Local Government Advisory Committee

Letter from Mayor Mark Boughton requesting that Mary G. Saracino, Laurie Weinstein, Brigid Guertin, Ervie S. Hawley, Kenneth H. Keller, Michael A. McLachlan, Theresa A. Buzaid, and Noel Maccarr be confirmed as members of the Certified Local Government Advisory Commission.

Mr. Cavo made a motion to receive the communication and confirm the appointments. Seconded by Mrs. Basso. Motion carried unanimously.

7 – COMMUNICATION – Appointments to the Commission on Aging

Letter from Mayor Boughton requesting the confirmation of the appointment of Ronald A. Haberman as an Alternate to the Commission on Aging for a term to expire October 1, 2008; the appointment of Arlene N. Strucky for a term to expire October 1, 2008 and the reappointment of the Diane Yamin for a term to expire October 1, 1008.

The appointments were confirmed on the Consent Calendar.

8 – COMMUNICATION – Appointments to the Youth Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Louis Fulinello to the Youth Commission for a term to expire June 1, 2008 and the appointment of Daniel Denaro as a Youth Advisor to the Youth Commission.

The appointments were confirmed on the Consent Calendar.

9 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the amount of \$150 for the Senior Center.

Mr. Steinerd made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

10 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation of a fire and burglary alarm system for the Wooster Hose Volunteer Company #5 valued at \$3,500.00.

Ms. Diggs made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Still River Greenway Project

Letter from Avalon Bay Communities, Inc. offering a donation in the amount of \$100,000 to the City for the construction of the Still River Greenway.

Ms. Saracino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Ms. Teicholz. Motion carried unanimously.

12 – COMMUNICATION – Fire Department Special Services Account

Letter from Fire Chief Peter Siecienski requesting that the sum of \$25,000 be transferred to the Fire Department Special Services account due to ongoing events. The transfer of funds was authorized on the Consent Calendar.

13 – COMMUNICATION & RESOLUTION – Lions Playground

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, for many years Lions Clubs around the world have been known for building children’s playgrounds; and

WHEREAS, in 1930 the Danbury Lions Club worked in cooperation with the City of Danbury to fund and construct the Lions Playground on the corner of Locust Avenue and Osborne Street; and

WHEREAS, the recent expansion of the Danbury Hospital necessitated the relocation of the Lions Playground; and

WHEREAS, the Danbury Lions Club remains committed to fostering community support for the preservation and improvement of neighborhood playgrounds; and

WHEREAS, the Danbury Lions Club wishes to focus its efforts on the playground located at Rowan Street; and

WHEREAS, the Danbury Lions Club respectfully requests that said playground be renamed the “Lions Playground”.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the playground located on Rowan Street be and hereby is dedicated as the “Lions Playground” and that Mayor Mark D. Boughton be and hereby is authorized to take any additional action that may be necessary to effectuate the purposes hereof.

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

14 – COMMUNICATION – Interlocal Sewer Agreement with Ridgefield – WITHDRAWN

15 – COMMUNICATION – Request from King Street Volunteers to be removed from City CIRMA Policies.

Mr. Riley asked that this be referred to the Corporation Counsel and the Director of Finance & Personnel for reports back within thirty days. Mayor Boughton so ordered.

16 – COMMUNICATION – Volunteer Firemen’s Council request regarding CIRMA

Mr. Cutsumpas asked that this be referred to the Corporation Counsel and the Director of Finance & Personnel for reports back within thirty days. Mayor Boughton so ordered.

17 – COMMUNICATION – Volunteer Firemen’s Council request regarding Volunteer Fire Houses

Mrs. McMahon asked that this be referred to an ad hoc committee, the Director of Finance, the Fire Chief and the Superintendent of Public Buildings. Mayor Boughton so ordered and appointed Council Members Nolan, Basso and Saadi to the committee.

18 – COMMUNICATION – Rename Portion of Eagle Road to International Drive

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

19 – WITHDRAWN

20 – COMMUNICATION – Reports regarding Dells Auto Wrecking

The reports were received on the Consent Calendar and action postponed until the December Common Council to allow the Fourth Ward Council Members to communicate with interested parties.

21 – COMMUNICATION – Reports regarding request to connect to City Water at 792 Ridgebury Road

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

22 – COMMUNICATION – International Brotherhood of Teamsters – Proposed Collective Bargaining Agreement – Public Utilities

Mr. Cavo made a motion to receive the communication and approve the proposed collective bargaining agreement. Seconded by Mrs. Basso. Motion carried unanimously.

23 – COMMUNICATION – International Brotherhood of Teamsters – Proposed Collective Bargaining Agreements – Appropriation of Funds

Mr. Urice made a motion to receive the communication, approve the proposed collective bargaining agreements and authorize the transfer of funds. Seconded by Mrs. Basso. Motion carried unanimously.

24 – REPORT – Request to Maintain Cannondale Drive

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review the request to maintain Cannondale Drive met on October 19, 2005. In attendance were committee members Saracino, Cutsumpas and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Joel and Marjorie Brook, Carolyn Flynn and Ed Lagarto from St. James Church and Council Member Fred Visconti, ex-officio.

Ms. Saracino read a report from the Director of Public Works dated September 24, 2004 outlining the terms and conditions to bring Cannondale Drive up to City standards to be accepted as a City road. Mr. Buckley stated that he was directed to add this project to the assessment list. From time to time the Common Council has authorized him to move a project to the top of the list and he would do that if so directed. This is a relatively small project assessment wise and the question is who would be assessed. There are seven properties with frontage on this cul-de-sac. Two properties have frontage on Southern Boulevard and one on Deer Hill Avenue. He believes that a minimum of four would be assessed but he would have to confer with Attorney Gottschalk to determine the number. There are some challenges to making this a public road. There is a retaining wall in the right-of-way. You would have to split the difference because you would be taking someone's front yard.

Mr. Buckley said it would take two years to get to this project if it is not moved to the top of the list. If there is a health hazard, the Health Department could require that it be moved. If it were to be moved, the work would not be done this winter. Mr. Barry asked if there are any roads on the project list that would be jeopardized from a safety standpoint if this road were moved to the top of the list? Mr. Buckley said that Wilkes Road is in worse shape.

Mr. Cutsumpas asked if the residents approve the project could it safely be plowed without the improvements being done? Mr. Buckley said he would not put a city truck on that road, but he would hire an outside contractor.

Mr. Barry made a motion to recommend that the City sand and plow Cannondale Road until the road project is either accepted or rejected by the residents; and additionally that the Common Council move this project to the top of the project list. Seconded by Mr. Cutsumpas. Motion carried unanimously.

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

25 – REPORT & ORDINANCE – Tax Exemption for Veterans

Mr. Urice submitted the following report:

The Common Council Committee to review the ordinance regarding the tax exemption for veterans met on October 24, 2005 at 7:00 P.M. In attendance were committee members Urice, Basso and Saadi. Also in attendance were Director of Finance Dena Diorio, Tax Assessor Colleen Burke, Assistant Corporation Counsel Les Pinter and Council Members Saracino and Seabury, ex-officio.

Mr. Urice stated that the charge of this committee is to review Section 18-15 in the Code of Ordinances, deleting subsection (g), which is the sunset clause for the exemption.

Attorney Pinter said the Common Council did make the changes and within subsection (g) provided a test period. The statute does not limit the time the

City can use this. The City tried it for two years and now wants to leave it open-ended. Ms. Burke and Ms. Diorio agreed that the \$400,000 cap should be kept as it. Mr. Urice asked if the cap could be increased in the future? Attorney Pinter said that the statute does not include a cap and was municipally enforced. Mr. Urice said there is a state maximum based on income and marital status, but not restricted beyond that. Mr. Saadi stated that the statute sets up the means test.

Mr. Saadi made a motion to recommend to the Common Council that subsection (g) of Section 18-15 be deleted, thereby eliminating the sunset provision. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Johnson made a motion to receive the report and defer the ordinance to public hearing. Seconded by Mr. Saadi. Motion carried unanimously.

26 – REPORT – Request for Sewer and Water Extensions at 13 French Street

Ms. Diggs submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension at 13 French Street met on October 19, 2005 in the Third Floor Caucus Room in City Hall. In attendance were committee members Diggs, Teicholz and Saadi. Also in attendance were Director of Public Works William Buckley, Ben Doto representing the petitioner and Council Members Saracino, Riley and Visconti, ex-officio.

Ms. Diggs noted the positive recommendation from the Planning Commission. Mr. Buckley said this involves a short extension for both sewer and water. He recommended that the request be approved subject to the required eight steps.

Mr. Doto stated that the water line will serve customers on both sides of the street and will bring the whole area up to standard. The sewer line terminates before the last manhole on the road. The developer will install a manhole and short section of pipe and upgrade all the service connections. The developer would like any assistance such as material that the City could give to help with this project. Mr. Buckley said he supports adding a ninth step regarding water and hydrant assembly and the City will provide up to 155 feet of linear 8-inch pipe and the hydrant assembly to the developer.

Ms. Teicholz made a motion to recommend approval of the request for sewer and water extensions at 13 French Street subject to the required eight steps with an additional ninth step stating that the City will provide up to 155 feet of linear 8-inch pipe and a hydrant assembly to the developer. Seconded by Mr. Saadi. Motion carried unanimously.

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

27 – REPORT – Request for Sewer Extension – 14 Clapboard Ridge Road

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 14 Clapboard Ridge Road met on October 25, 2005 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, McMahon and Esposito. Also in attendance were Director of Public Works William Buckley and Council Members Basso, Saracino and Trombetta, ex-officio.

Mr. Nolan noted the positive recommendation from the Planning Commission. Mr. Buckley pointed out Lot H12001 on the assessor's map. The existing water system serves the Hillcroft Apartments. Hillcroft came to the Common Council in December 2003 for approval to lot H12002. The petitioners may

not be aware of this approval and if Hillcroft does not extend to that lot, the petitioners would be required to extend up Clapboard Ridge. Mr. Nolan asked Mr. Buckley if he had any idea if Hillcroft is going to go ahead. Mr. Buckley said they have given every indication that they are going forward.

Mrs. McMahon made a motion to recommend approval of the request for sewer extension at 14 Clapboard Ridge Road subject to the required eight steps. Seconded by Mr. Esposito. Motion carried unanimously.

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

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

Mr. Nolan made a motion to receive the department reports and waive the reading as all members have copies. Seconded by Mr. Saadi. 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 for the meeting to be adjourned at 8:15 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor