

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

RE: Minutes of the Common Council Meeting held January 4, 2006

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, Cavo, Perkins, Visconti, Chianese, Esposito, Nolan, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley, Taborsak

ABSENT – Saadi

20 PRESENT – 1 ABSENT

Mr. Saadi was out of the State on military training

PUBLIC SPEAKING

Dianne Yamin, 66 Barnum Road – spoke in favor of items 11 and 12 regarding the Homeless Task Force

Lynn Waller, 83 Highland Avenue – regarding item 11 she feels this adds an additional layer of bureaucracy as ARC already has a similar program. She is concerned about the cost and believes a formal agreement with other towns is needed.

Carolyn Sistrunk, 2 Mill Ridge Road – item 11 may appear to be a duplication, but the Dream House program includes ARC. She agrees that a formal agreement with other towns is needed.

MINUTES – Minutes of the Special Common Council Meeting held December 1, 2005 and the Common Council Meeting held December 6, 2005. Mr. Nolan made a motion that the minutes be adopted as submitted and the reading waived as all members have copies. Seconded by Ms. Saracino. Motion carried unanimously.

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

1 – Receive the communication and adopt the resolution authorizing the Office of the Corporation Counsel to acquire the necessary easement relative to a fire hydrant on Lover's Lane.

2 – Receive the communication and adopt the resolution authorizing the Office of the Corporation Counsel to acquire the necessary temporary easements described in the correspondence to facilitate the Rose Hill Avenue bridge reconstruction.

4 – Receive the communication and confirm the appointment of Ray McGarrigal to the Tarrywile Park Authority.

19 – Receive the report and adopt the committee recommendation to accept the audit.

20 – Receive the report and adopt the committee recommendation authorizing the extension to 792 Ridgebury Road.

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

1 – RESOLUTION – Lovers Lane Fire Hydrant Easement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has caused a fire hydrant to be installed at the end of the water main located on Lovers Lane; and

WHEREAS, difficult field conditions required the city's contractor to install said hydrant on private property; and

WHEREAS, said installation will require the acquisition of a forty square foot easement from the property owners involved; and

WHEREAS, the easement to be acquired is described in Exhibit A attached hereto; and

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

WHEREAS, it is in the best interest of the City of Danbury to acquire said easement.

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 interest set forth on Exhibit A attached hereto, in accordance with the procedures established by state law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages or other inconsistent interests encumbering the property, if any, by July 1, 2006.

The communication was received on the Consent Calendar and the resolution authorizing the Office of the Corporation Counsel to acquire the necessary easement relative to a fire hydrant on Lovers Lane adopted.

2 – RESOLUTION – Rose Hill Avenue Bridge Reconstruction Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Rose Hill Avenue Bridge is in need of reconstruction; and

WHEREAS, the City of Danbury is in the process of completing plans for said work; and

WHEREAS, the designed solution will require the acquisition of temporary construction easements from the owner of the adjacent properties; and

WHEREAS, the acquisition of said easements 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 within six months of the date hereof, against the named property owner, his heirs, executors, successors and assigns and mortgage holders and encumbrancers, if any.

The communication was received on the Consent Calendar and the resolution authorizing the Office of the Corporation Counsel to acquire the necessary temporary easements described in the correspondence to facilitate the Rose Hill Avenue bridge construction adopted.

Mr. Nolan made a motion to add item 22 to the agenda to be included with item 3. Seconded by Mrs. Basso. Motion carried unanimously

3 – COMMUNICATION – Promotion and Appointments in the Police Department

Letter from Mayor Mark D. Boughton requesting confirmation of the promotion of Police Officer Michael R. Sturdevant to the rank of Sergeant within the Police Department.

Mr. Calandrino made a motion to receive the communication and confirm the promotion of Officer Michael R. Sturdevant to the rank of Sergeant. Seconded by Mrs. McMahan. Motion carried unanimously.

In the same letter, Mayor Boughton requested the confirmation of Brian D'Ambrosio as a police officer for the City of Danbury. Mr. Seabury made a motion to confirm the appointment of Brian D'Ambrosio as a police officer. Seconded by Ms. Saracino. Motion carried unanimously.

In the same letter, Mayor Boughton requested the confirmation of Travis J. Kupchok as a police officer for the City of Danbury. Mr. Calandrino made a motion to confirm the appointment of Travis J. Kupchok as a police officer. Seconded by Mr. Nolan. Motion carried unanimously.

Item 22 – Letter from Mayor Boughton requesting confirmation of the appointment of Christopher Rink as a police officer within the City of Danbury.

Mr. Cavo made a motion to receive the communication and confirm the appointment of Christopher Rink as a police officer for the City of Danbury. Seconded by Mrs. Basso. Motion carried unanimously.

4 – COMMUNICATION – Appointment to the Tarrywile Park Authority

Letter from Mayor Boughton requesting confirmation of the appointment of Ray J. McGarrigal to the Tarrywile Park Authority for a term to expire January 1, 2008. The communication was received on the Consent Calendar and the appointment confirmed.

5 – COMMUNICATION – Donation to the Police Department

Letter from Police Chief Alan Baker requesting permission to accept a donation of a Motorola Center Com Gold Series Radio Console from the Federal Corrections Institute. Mr. Cutsumpas made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Riley. Motion carried unanimously.

6 – COMMUNICATION – Donations to the Welfare Department

Letter from Director of Welfare and Social Services Deborah MacKenzie requesting permission to accept donations in the total amount of \$575.00 for the Welfare and Social Services Department. Mr. Johnson made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

7 – COMMUNICATION – Farioly Funds

Request from Director of Finance Dena Diorio requesting that the sum of \$10,100 be appropriated from the Farioly Funds for the purchase of a file server for the Danbury Library. Ms. Saracino made a motion to receive the communication and approve the expenditure of funds for the purchase of a file server. Seconded by Mrs. Basso. Motion carried unanimously.

8 – COMMUNICATION – Appointment of Independent Auditors

Request from the Director of Finance Dena Diorio that the Common Council approve the appointment of McGladrey & Pullen as the City's independent auditors as required by the City Charter and State Statutes. Mrs. Teicholz made a motion to receive the communication and approve the appointment of McGladrey & Pullen as the City's independent auditors. Seconded by Mr. Riley. Motion carried unanimously.

9 – COMMUNICATION – Request for Ad Hoc Committee regarding Illegal Apartments

Request from Council Member at Large that an ad hoc committee be appointed to review the feasibility of stiffer financial penalties levied to property owners who have been given notification that they are in violation of City ordinances regarding illegal apartments. Mr. Seabury asked that this be referred to the existing committee. Mayor Boughton so ordered and noted that the existing committee is comprised of Council Members Cavo and Basso and Mr. Visconti who will replace Mr. Barry.

10 – COMMUNICATION – Carla Drive

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 Johnson, Trombetta and Taborsak to the committee.

11 – COMMUNICATION – Homeless Task Force

Mrs. Teicholz asked that this be referred to an ad hoc committee and the Chairman of the Task Force. Mayor Boughton so ordered and appointed Council Members Saracino, McMahon and Rotello to the committee.

12 – COMMUNICATION – Request for Funding – Dream Homes Community Center

Mrs. Teicholz asked that this be referred to an ad hoc committee, the Director of Finance, the Chairman of the Homeless Task Force and the Housing Authority Director. Mayor Boughton so ordered and appointed Council Members Saracino, Diggs and Perkins to the committee.

13 – COMMUNICATION – Petition for Extension of Sewer Service to Tammany Trail, Tabor Road and Purchase Street

Mr. Cavo asked that this be referred to the Director of Public Works for a survey after a neighborhood meeting has been held. Mayor Boughton so ordered.

14 – COMMUNICATION – Application for Deferral of Assessment Increases at 40-42 Kenosia Avenue

Mr. Riley asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Director of Planning and the Director of Economic Development. Mayor Boughton so ordered and appointed Council Members Riley, Seabury and Visconti to the committee.

15 – COMMUNICATION – Application for Deferral of Assessment Increases at 1 Casper Street

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

16 – COMMUNICATION – 54 Elm Street, Repair and Replace Sidewalk

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

17 – REPORT & RESOLUTION – South Street, Coalpit Hill and Triangle Street Intersection Improvements

Mrs. Stanley submitted the following report:

The Common Council Committee appointed to review the resolution regarding South Street, Coalpit Hill and Triangle Street Intersection Improvements met on December 19, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Stanley, Trombetta and Esposito. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Traffic Engineer Abdul Mohammed, Police Chief Alan Baker, Transportation Engineer Michael Galante, Thomas and Ed Nejame and Council Members Cutsumpas, Saracino and Teicholz, ex-officio.

Mrs. Stanley asked Mr. Mohammed to describe the plans. He said that meetings will be held and the plans discussed. This is a very preliminary stage. The Nejames are concerned about loss of parking spaces and will they be compensated for loss of land. Mr. Trombetta asked who approves the plan and do the Nejames have any recourse as submitted? Mr. Mohammed said the plans would come before the Common Council from time to time. The State has presented a worse case scenario. One is a concept unit and one is a design unit. He said this is to make sure the City gets funding for this project.

Mr. Galante said he was called in to work with the City and the State to look at access consideration to make sure there is no negative impact on the property and that they have the proper number of parking spaces. Mr. Esposito said that as this goes through the process the final result is up to the State. Chief Baker said this intersection is a problem for the City.

Mr. Trombetta made a motion to recommend that the Common Council approve the resolution regarding South Street, Coal Pit Hill and Triangle Street Intersection Improvements. Seconded by Mr. Esposito. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, as the City of Danbury issued a press release on Friday October 21, 2005 inviting members of the community to a public informational meeting and sent formal notices to area elected and appointed officials and other agencies as well as the abutting property owners inviting them to attend a public informational meeting or send comments on the proposed Surface Transportation Program – Urban Transportation project that is known as Improvement of South Street (State Route 53), Coal Pit Hill Road and Triangle Street Intersection – State Project No. 34-H056; and

WHEREAS, a public information meeting concerning the proposed project was held on Thursday, October 27, 2005 at City Hall between 7:00 – 8:00 p.m. at which residents as well as elected and appointed public officials had an opportunity to voice their concerns; and

WHEREAS, the Housatonic Valley Council of Elected Officials (HVCEO) has selected this project as a regional priority and has agreed to utilize Federal Highway funds for acquisition of right-of-way, preliminary engineering and construction activities; and

WHEREAS, the Common Council of the City of Danbury finds that the proposed improvement of the intersection of South Street (State Route 53), Coal Pit Hill road and Triangle Street is in the best interests of the City, in that it promotes the health, safety and general welfare of the public.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury hereby fully supports the proposed project and authorizes the Mayor to seek appropriate resources and to execute whatever documents may be necessary for its implementation.

Mrs. Stanley made a motion to receive the report, adopt its recommendation and adopt the resolution. Seconded by Mr. Seabury. Motion carried unanimously.

18 – REPORT – Volunteer Fire Council Request to Combine Fire Houses

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the request of the Volunteer Fire Council to combine companies five and six met on December 12, 2005 at 7:30 P.M. In attendance were committee members Fire Chief Peter Siecienski, Superintendent of Public Buildings Rick Palanzo, Deputy Fire Chief Phil Curran, President of the Volunteers Louis Chiarito, several volunteer firefighters and Council Members Saracino and Teicholz, ex-officio.

Mr. Nolan asked Mr. Chiarito to address the proposal as the correspondence refers to a way to partially fund the project. Mr. Chiarito said he is not sure of the specifics of the proposal, as it is strictly between companies five and six. Chief Siecienski stated that this proposal first came up about five years ago when both companies wanted to combine their houses. The two buildings are fatigued and they wanted to combine them into one new fire station on City owned property. He said that the proposal has been in the capital budget request for the past two years. It is scheduled for funding in 2009 or 2010. There is a more sweeping proposal to consolidate more houses, but discussions had not been held.

Mr. Nolan asked Chief Siecienski to elaborate on the funding mechanism. The Chief stated that the capital budget request has increased from one million dollars to one and one-half million. It is hoped that the cost will be defrayed by using city owned land. The existing properties would be sold and put back on the tax rolls and the proceeds from the sale would be put into the new building. Mr. Nolan asked about the review timeline. The Chief stated he hopes the funding would be provided this year. Chief Siecienski said that a study of the entire fire service may encompass issues pertinent to the volunteers, but it is an expensive proposal.

Mrs. Basso made a motion to accept the communication and take no action as this proposal may be addressed in the 2009-2010 capital budget. Seconded by Mr. Nolan. Motion carried unanimously.

Mrs. Basso made a motion to receive the report and adopt its recommendation. Seconded by Mr. Nolan. Motion carried unanimously.

19 – REPORT – Audit Report

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the audit report met twice, once on July 25, 2005 and again on December 27, 2005. In attendance at the July 25th meeting were committee members Urice, Calandrino and Esposito. Also in attendance were Director of Finance Dena Diorio, Assistant Corporation Counsel Les Pinter, Schools Director of Finance Elio Longo, and Scott Bassett from McGladney & Pullen.

Mr. Bassett stated that the role of the audit committee from the auditors' perspective was to provide a line of communication between the auditor and the Common Council that was independent of the various City and Board of Education financial personnel in the event that the auditors become aware of any situation that may be considered either improper, or if a deficiency in internal controls were so significant that they needed to be brought to the attention of the Common Council directly. The auditors take a hard look at the balance sheet and the assets, but the City has few, if any, soft assets. Mr. Bassett explained at a macro level how they approached verifying there was no significant overstatement of assets or understatement of liabilities.

Ms. Diorio stated that she has a good relationship with the auditors and finance personnel have given the auditors free access to any information they requested.

Mr. Urice stated that there were several areas of concern that he would like to address. The first was that any observations the auditors had regarding deficiencies in the prior year's audit should be revisited to provide some assurance that those deficiencies had not been repeated. One item in the 2003-04 fiscal year report related to fund disbursements at the individual schools. Mr. Longo said that procedures had been put in place to prevent a reoccurrence.

The second area of concern had to do with competitive bidding process. Mr. Urice said he would like some assurances that the auditors were comfortable that the City and the Board of Education were in compliance with the bidding and procurement procedures in place for acquisition of goods and services, and as it relates to long term commitment contracts. Mr. Bassett responded in the affirmative.

The third area of concern was the division of authority as it relates to the disbursement of funds. Mr. Urice said he wanted to know if there was an appropriate division of authority for approval of the acquisition of assets, goods and services, and the disbursement of related funds. Mr. Bassett said that was a big part of their internal controls testing. He outlined the thresholds at which additional authorizations are required.

The last concern had been brought to Mr. Urice by some members of the Common Council that we might be overextending ourselves with the issuance of bonds. Mr. Bassett stated that there were guidelines and regulations as to maximum debt per taxpayer, percent of revenue base, etc.

Mr. Calandrino made a motion to continue the meeting at the call of the Chair. Seconded by Mr. Esposito. Motion carried unanimously.

The committee reconvened at 10:10 a.m. on December 27, 2005. In attendance were committee members Calandrino and Saracino. Also in attendance were Director of Finance Dena Diorio, Assistant Corporation Counsel Les Pinter, School Board Finance Director Elio Longo and Scott Bassett and Sue Martinelli from McGladney & Pullen.

Mr. Calandrino stated that there were two outstanding issues that needed to be resolved. Mr. Bassett said the first issue concerned the Mill Ridge Primary School Student Activities Fund. They found that deposits were not being made in a timely fashion and there were several signed blank checks. He noted that the principal of Mill Ridge Primary School had submitted a report for this meeting that outlined corrective measures taken and he was satisfied. Mr. Longo stated that all principals were informed of their responsibilities and deposits must be made within 48 hours and never to exceed five business days under any circumstances.

The second outstanding issue was the use of the City's federal tax identification number. Two agencies had been using this number but they have been removed and will no longer continue this practice.

Mr. Bassett stated that the role of the audit firm is to perform an independent audit. The City of Danbury has a clean opinion this year, as well as a clean opinion regarding federal and state grants. The general fund has increased by seven million dollars and there was a 99.1% tax collection rate. Mr. Bassett noted that both City and Board of Education personnel provided all information requested.

Ms. Saracino made a motion to recommend that the audit be accepted and the committee closed. Seconded by Mr. Calandrino. Motion carried unanimously.

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

20 – REPORT – Request to Connect to City Water at 792 Ridgebury Road

Ms. Diggs submitted the following report:

The Common Council Committee appointed to review the request to connect to City water at 792 Ridgebury Road met on December 13, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Diggs and Teicholz. Also in attendance were Director of Public Works William Buckley and Deputy Corporation Counsel Eric Gottschalk.

Ms. Diggs noted the positive recommendation from the Planning Commission. Mr. Buckley stated that he and Attorney Gottschalk issued reports pertaining to this issue and he would recommend approval subject to the petitioner receiving permission from the water company to connect to the City's system and a rate being set at 150% more than our rate at any given time. If our rates go up, their rates go up.

Attorney Gottschalk said that the Common Council has the authority to approve arrangements to provide utility service to properties in other jurisdictions. A similar request was granted in 1994 and that approval referred to increased rates. It is not required to impose this rate, but there is a benefit to consistency. Ms. Diggs asked if the 150% rate has always been that high. Mr. Buckley said that rate is very low. Acquarian's rate is probably three times as high. Ms. Diggs asked if the petitioner had received the needed permission. Mr. Buckley did not know the answer.

Ms. Teicholz made a motion to recommend approval of the request subject to the conditions contained in Mr. Buckley's report dated October 12, 2005. Seconded by Ms. Diggs. Motion carried unanimously.

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

21 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Health and Housing, Public Works, Parks and Recreation, Welfare & Social Services, Permit Center, Department of Elderly Services. Mr. Nolan made a motion to receive the department reports as submitted and waive the reading as all members have copies. Seconded by Mrs. Basso. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made at 8:25 P.M. by Mr. Nolan for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor