

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Special Common Council Meeting held January 19, 2006

Mayor Boughton called the meeting to order at 8:30 P.M. The Pledge of Allegiance and Prayer were offered. The members were recorded as:

PRESENT – McMahon, Johnson, Trombetta, Calandrino, Cavo, Visconti, Chianese, Esposito, Nolan, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley and Taborsak.

ABSENT – Perkins, Saadi

19 PRESENT – 2 ABSENT

Mr. Perkins had a class and Mr. Saadi was out of State for Military training

NOTICE OF THE SPECIAL MEETING – There will be a Special Meeting of the Common Council on January 19, 2006 at 8:30 P.M. in the Common Council Chambers in City Hall to act on the items below.

Ms. Saracino made a motion to accept the call and return of service. Seconded by Mr. Cavo. Motion carried unanimously.

PUBLIC SPEAKING

Mark Nolan, 37 Brushy Hill Road – Spoke regarding item 2, the Bond Proposal. He outlined the reasons for his support.

Christine Halfar, 8 Settlers Hill Road – Spoke regarding item. She has previously requested that the votes on the three ordinances be divided so she knows who is voting for fair water rates and who is voting to give a special benefit to one developer, BRT.

1 – COMMUNICATION – Appointment of Deputy Police Chief

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Terence M. Shanahan as Deputy Chief of the Danbury Police Department. He has been serving as Acting Deputy Chief since September 16, 2005.

Mr. Nolan made a motion to receive the communication and confirm the appointment of Terence M. Shanahan as Deputy Chief of the Danbury Police Department. Seconded by Mr. Trombetta. Motion carried unanimously.

2 – COMMUNICATION – Bond Proposal

Ordinances and related documentation for a proposed bond package to be presented to the voters for consideration in May 2006.

Mr. Nolan asked that the ordinances be deferred to public hearing. Mayor Boughton so ordered.

3 – REPORT & ORDINANCE – 2005 Retirement Incentive Program

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 9, 2005 in the Common Council Chambers.

Director of Finance & Personnel Dena Diorio stated that this came about because of a request from the Management Advisory Committee to have a richer pension plan. It is not feasible to offer 2% permanently so they offered an early retirement package. Twenty-Four employees are eligible.

Mr. Chianese asked about the cost if all 24 accept the offer. Ms. Diorio said she did not have that information available. Job replacements would be by Civil Service procedures. Ms. Taborsak asked if this would be a cost rather than a savings if too few employees opted to accept. Ms. Diorio said the offer would be cancelled if there were not enough interest.

Ms. Saracino made a motion to recommend adoption of the ordinance. Seconded by Mr. Trombetta. Motion carried unanimously.

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

1. The City of Danbury hereby adopts the 2005 Retirement Incentive Program ("Program").
2. Those eligible for this Program include only active employees of the City of Danbury who are:
 - a) participants in the General Employees Pension Plan;
 - b) who have at least fifteen (15) years of credited service in the pension plan; and
 - c) are not represented by a union.

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

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

3. Eligible employees shall elect their participation in the Program no later than March 31, 2006, by submitting a written election to the Director of Finance. Such election to retire under this offering shall be irrevocable after March 31, 2006. The retirement date and the last day of work for individuals so electing shall be: (i) not earlier than May 1, 2006 and (ii) not later than June 30, 2006. An Employee that has not elected an optional form of benefit within the timeframe specified by Section 14-6 of the Code of Ordinances, and desires to make such an election, must do so within ten (10) days of submitting his or her election to retire under the terms of this Program.
4. An employee who is interested in electing participation in the Program should schedule a personal review meeting with the Finance Department staff as soon as possible. Although the City will make a reasonable effort to identify and notify all eligible employees, it is ultimately the employee's responsibility to investigate whether he/she are eligible.
5. An employee who retires under this Program shall receive the following benefits:

For an employee who, as of June 30, 2006 has or will have (i) attained age 51 and (ii) completed at least fifteen (15) years of credited service under the pension plan, the benefit formula will be increased from one and one-half percent (1.5%) to two percent (2.00%) and there shall be no actuarial reduction for retirement prior to normal retirement age applied to such pension benefit. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.

6. The City reserves its right to cancel or withdraw this Program for any reason whatsoever, provided the City makes a written election to do so no later than April 30, 2006 and so notifies those who elected to participate in accordance with Section 3 hereof. In the event that the City cancels or withdraws this Program, an employee who has made

an election to participate under Section 3 above shall have the right to withdraw his/her application for retirement by written notice to the Director of Finance.

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

4 – REPORT & ORDINANCES – Water Rates, Water and Sewer Connection Fees

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on January 9, 2006 in the Common Council Chambers.

Director of Finance Dena Diorio gave an explanation of the three ordinances. When these ordinances were originally enacted consideration was not given to how condominiums were metered. The water rate ordinance corrects this. The connection fees were increased because of increased development. However, it put up a barrier to downtown. This rolls back the connection fees to July 2005 for the central city business district.

Mr. Buckley gave the background on the metering system. One meter per building is the most equitable. Mr. Buckley said there are 215 parcels in the central city business district.

Mr. Cavo made a motion to recommend adoption of the three separate ordinances. Seconded by Mrs. Basso. Ms. Taborsak made a motion to divide the question. Seconded by Mr. Chianese. Mr. Cavo asked for a roll call vote.

No – McMahon, Johnson, Trombetta, Calandrino, Cavo, Perkins, Visconti, Nolan, Basso, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley

Yes – Chianese, Esposito, Rotello, Taborsak

4 Yes – 16 No – motion fails

Roll Call on Main Motion

Yes – McMahon, Johnson, Trombetta, Calandrino, Cavo, Perkins, Visconti, Esposito, Nolan, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley

No – Chianese, Taborsak

18 Yes – 2 No – motion carries.

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) (i) Except as otherwise provided herein, the connection fee for buildings devoted to residential uses shall be fifteen hundred dollars (\$1500.00) per dwelling unit.

(ii) The connection fee for buildings located within the CCBD zoning district and devoted to residential uses shall be five hundred dollars (\$500.00) per dwelling unit, but in no event shall said connection fee exceed two thousand five hundred dollars (\$2,500.00) per building; and

(2) (i) Except as otherwise provided herein, the connection fee for buildings devoted to either nonresidential 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 5,001s.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..

(ii) The connection fee for buildings located within the CCBD zoning district and devoted to either nonresidential 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.	\$ 5,000.00
from 10,001 s.f. to 25,000 s.f.	\$ 10,000.00
from 25,001 s.f. to 75,000 s.f.	\$ 15,000.00
over 75,000 s.f.	\$ 20,000.00

(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 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 January 1, 2006.

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:

<i>Usage (MG)</i>	
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) 3/4-inch size meter:

<i>Usage (MG)</i>	
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 for all uses 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 cents (\$3.08) per one thousand (1,000) gallons. Such rates are for quarterly billings rendered on or after July 1, 2005.

(d) (1) For water consumed in excess of thirty thousand (30,000) gallons and less than seventy five thousand (75,000) gallons for non-residential uses for any size meter and use, 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.

(2) For water consumed in excess of thirty thousand (30,000) gallons for residential uses for any size meter the charge shall be three dollars and eight cents (\$3.08) per one thousand 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 non-residential uses 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.

(f) The provisions of this section shall be applied retroactively.

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:

(3) (i) Except as otherwise provided herein, the connection fee for buildings devoted to residential uses shall be fifteen hundred dollars (\$1500.00) per dwelling unit.

(ii) The connection fee for buildings located within the CCBD zoning district and devoted to residential uses shall be five hundred dollars (\$500.00) per dwelling unit, but in no event shall said connection fee exceed two thousand five hundred dollars (\$2,500.00) per building; and

(4) (i) Except as otherwise provided herein, the connection fee for buildings devoted to either nonresidential 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 5,001s.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..

(ii) The connection fee for buildings located within the CCBD zoning district and devoted to either nonresidential 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 5,001s.f. to 10,000 s.f.	\$ 5,000.00
from 10,001 s.f. to 25,000 s.f.	\$ 10,000.00

from 25,001 s.f. to 75,000 s.f.	\$ 15,000.00
over 75,000 s.f.	\$ 20,000.00

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 January 1, 2006.

Mrs. Basso made a motion to receive the report and adopt the ordinances.
Seconded by Mr. Riley.

A discussion following regarding the parameters of the City Center Business District and the equity of the rates.

Motion carried with Ms. Taborsak abstaining.

There being for further business to come before the Common Council a motion was made by Mr. Nolan at 9:05 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor