

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

RE: Minutes of the Common Council Meeting held February 7, 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, Saadi, Nolan, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley and Taborsak

21 PRESENT

PUBLIC SPEAKING – none

MINUTES – Minutes of the Common Council Meeting held January 4, 2006 and the Special Common Council Meeting held January 19, 2006. Mr. Nolan made a motion to approve the minutes as presented and waive the reading as all members have copies. Seconded by Mrs. Basso. Motion carried unanimously.

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

2 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the State of Connecticut Health Services in the amount of \$424,284.00 for the two year period FY05-06 and FY 06-07 for the benefit of the City's school based health services.

3 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the Women's Club of Danbury/New Fairfield Philanthropic Committee in the amount of \$1,400.00 for the purpose of purchasing a digital piano for the Department of Elderly Services.

4 – Receive the communication and adopt the resolutions approving the extension of time to acquire easements related to the Olive Street/Tilden Road drainage project, the Shore Road drainage project, the Westside Interceptor-Segar Street sewer project and the Carolyn Avenue sewer project.

5 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from FEMA in the amount of \$1,000.00 for the purpose of acquiring consumable supplies for the City's homeless shelter.

8 – Receive the communication and confirm the reappointment of William Fisher, Sally Conroy and Edward Siergiej to the Candlewood Lake Authority.

9 – Receive the communication and confirm the reappointment of John Plecity, John Schweitzer, Jr. and Frank Figueiredo to the Building Code Board of Appeals, as well as the appointment of James Giordano and Daniel Leblanc as new members of the Building Code Board of Appeals.

10 – Receive the communication and confirm the appointment of Pauline Basso (Chair), Louise McMahon, Paul Rotello, Alan T. Boyce and Mark S. Chory to serve as the Government Entities Review Committee for the purpose of considering those entities for extension or sunset as of June 30, 2006.

11 – Receive the communication and confirm the appointment of Ian Lenz and Eileen Thayer as members of the Youth Commission.

12 – Receive the communication and confirm the appointment of Ernest Boynton as a member of the Redevelopment Agency.

13 – Receive the communication and confirm the reappointment of Robert Feinson, William Goodman, Joan Damia and Dimples Armstrong as members of the Danbury Library Board of Directors and the appointment of Robert Mosely as a new member of the Danbury Library Board of Directors.

14 – Receive the communication and confirm the appointment of Jackie DiNardo and Zachary Rapp as members of the Parks and Recreation Commission.

15 – Receive the communication and confirm the reappointment of William Montgomery to the Conservation Commission.

16 – Receive the communication and confirm the appointment of Steven Landau as a new member of the Lake Kenosia Commission and the reappointment of Regina Ofiero and Steven Krammer as members of the Lake Kenosia Commission.

17 – Receive the communication and confirm the appointment of Diane Yamin as a member of the Commission on Aging and the appointment of Lila Shaker as an alternate member of the Commission o Aging.

25 – Receive the communication and confirm the appointment of Board of Education members Joan Hodge and Kathy Molinaro as members of the School Building Committee to replace former board members George O'Loughlin and Bobby Poole.

35 – Receive the report and adopt the committee recommendation approving the final assessments for the Ta'Agan Point Area water extension.

36 – Receive the report and adopt the committee recommendation to authorize the continuation of the project for road improvements prior to City acceptance of Cannondale Drive, subject to the assessment methodology.

38 – Receive the report and adopt the committee recommendation that Eagle Road be renamed International Drive.

39 – Receive the report and adopt the committee recommendation to approve the water extension at 62-84 Federal Road subject to the required eight steps.

40 – Receive the report and adopt the committee recommendation to approve reimbursement of the homeowner at 54 Elm Street in the amount of \$4,385.00 from the Highway Department Budget as proposed by the Director of Public Works subject to certification by the Director of Finance and Personnel.

41 – Receive the report and adopt the committee recommendation to deny the application for deferral of assessment increases at 40-42 Kenosia Avenue.

43 – Receive the report and adopt the committee recommendation to approve the revisions to the Towing Ordinance.

Ms. Saracino made a motion to adopt the consent calendar as read. Seconded by Mr. Cavo. Mr. Nolan made a motion that item 4 be corrected from a drainage project to a sanitary sewer project and that the resolution for item 35 be adopted. Seconded by Mr. Saadi. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

1 – ORDINANCE – Noise Ordinance, Final Modification

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

2 – RESOLUTION – School Based Health Center Revision

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's award of an additional \$4,080.00 for the School Based Health Center Continuation Grant for FY 2005-07. Total two-year award is not to exceed \$424,284.00; and

WHEREAS, the grant term will cover a two year period of July 1, 2005 through June 30, 2006 for \$212,142.00 and a second year July 1, 2006 to June 30, 2007 for an additional \$212,142.00 with no local match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the State of Connecticut Health Services in the amount of \$424,284.00 for the two year period FY05-06 and FY06-07 for the benefit of the City's school based health services adopted.

3 – RESOLUTION – Women's Club of Danbury/New Fairfield Funding

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, The Women's Club of Danbury/New Fairfield Philanthropic Committee has make available an application for funding for the City of Danbury Department of Elderly Services; and

WHEREAS, the purposes of this funding request in the amount of \$1,400.00 is to purchase a new digital piano for use by patrons and at social functions sponsored by the Department of Elderly Services; and

WHEREAS, if granted in full, there will be no financial impact to the City budget.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is authorized to accept said funds if approved and sign all necessary documents to effectuate the purposes thereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the Women's Club of Danbury/New Fairfield Philanthropic Committee in the amount of \$1,400.00 for the purpose of purchasing a digital piano for the Department of Elderly Services adopted.

4 – RESOLUTIONS – Acquisition of Property – Olive Street/Tilden Road Storm Drainage, Shore Road Drainage, Westside Interceptor – Segar Street/O&G, Carolyn Avenue Sewer Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding through plans and designs to make necessary improvements to the Olive Street/Tilden road sanitary sewer; and

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

WHEREAS, said easement will have to 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement 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 owners and holders of mortgages encumbering the properties, if any, by July 1, 2006.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to correct drainage problems on Shore Road; and

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

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said properties upon the amount, if any, to be paid for the respective interests 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 July 1, 2006 property interests as set forth in the attached legal descriptions either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding through plans and designs to make necessary improvements to the Segar Street sanitary sewer; and

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

WHEREAS, said easement 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement 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 owners and holders of mortgages encumbering the properties, if any, by July 1, 2006.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding with plans and designs to implement the Carolyn Avenue area sanitary sewer project; and

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

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

WHEREAS, said easement will have to 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 rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through the Office of Corporation Counsel be and hereby is authorized to acquire the easement 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 encumbering the properties, if any, by July 1, 2006.

The communication was received on the Consent Calendar and the resolutions approving the extension of time to acquire easements related to the Olive Street/Tilden Road sewer project, the Shore Road drainage project, the Westside Interceptor-Segar Street sewer project and the Carolyn Avenue sewer project adopted.

5 – RESOLUTION – Fema Funding

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) has made grant funds available for the purpose of acquiring homeless shelter supplies; and

WHEREAS, the City of Danbury wishes to make application to FEMA for a grant of \$1,000 to be used for said purpose; and

WHEREAS, if said application is approved, the City of Danbury wishes to accept said funds.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for the aforesaid grant and if said application is approved, to accept said funds and execute any agreements or other documents necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from FEMA in the amount of \$1,000 for the purpose of acquiring consumable supplies for the City's homeless shelter adopted.

6 – COMMUNICATION – Promotions within the Fire Department

Letter from Mayor Mark D. Boughton requesting confirmation of the following promotions:

Captain Geoffrey Herald to the position of Assistant Chief – Mr. Nolan made a motion that the communication be received and Captain Geoffrey Herald 's promotion be confirmed. Seconded by Mrs. Teicholz. Motion carried with Mr. Visconti abstaining.

Lieutenant David R. Easter to the position of Captain – Mr. Seabury made a motion to confirm the promotion of Lieutenant Easter to Captain. Seconded by Mr. Chianese. Motion carried unanimously.

Lieutenant Bernard M. Meehan, Jr. to the position of Captain – Mrs. Stanley made a motion to confirm the promotion of Lieutenant Easter to Captain. Seconded by Mr. Seabury. Motion carried unanimously.

Firefighter Karl O. Drentwett to the position of Lieutenant – Mr. Cutsumpas made a motion to confirm the promotion of Firefighter Drentwett to Lieutenant. Seconded by Mrs. Basso. Motion carried unanimously.

Firefighter Shaun M. McQuade to the position of Lieutenant – Ms. Diggs made a motion to confirm the promotion of Firefighter McQuade to Lieutenant. Seconded by Ms. Saracino. Motion carried unanimously.

7 – COMMUNICATION – Appointment of Police Officers

Letter from Mayor Mark D. Boughton requesting the confirmation of Jason Lyder, James McPartland, John Rudisill, Edelmiro Rivera, Danny McCullough, Ramon Rodriguez, and Adam Lawler as Danbury Police Officers. Ms. Saracino made a motion to receive the communication and confirm the appointments. Seconded by Mr. Nolan. Motion carried unanimously.

8 – COMMUNICATION – Reappointments to the Candlewood Lake Authority

Letter from Mayor Boughton requesting confirmation of the reappointment of William C. Fisher, Sally Conroy and Edward R. Siergiej to the Candlewood Lake Authority for terms to expire April 1, 2008. The communication was received on the Consent Calendar and the reappointments confirmed.

9 – COMMUNICATION – Appointments to the Building Code Board of Appeals

Letter from Mayor Boughton requesting confirmation of the reappointments to the Building Code Board of Appeals of John Plecity for a term to expire January 1, 2011, Frank Figueiredo for a term to expire January 1, 2009 and John A. Schweitzer, Jr. for a term to expire January 1, 2010. Also, Mayor Boughton requested confirmation of the appointment of James Giordano for a term to expire January 1, 2008 and Daniel J. LeBlanc for a term to expire January 1, 2007. The reappointments and appointments were confirmed on the Consent Calendar.

10 – COMMUNICATION – Government Entities Review Committee

Letter from Mayor Boughton requesting confirmation of Council Members Pauline Basso, (Chair) Louise McMahan and Paul Rotello and Public Members Alan T. Boyce and Mark S. Chory to the Government Entities Review Committee. The appointments were confirmed on the Consent Calendar.

11 – COMMUNICATION – Appointments to the Youth Commission

Letter from Mayor Mark D. Boughton requesting confirmation of Ian K. Lenz and Eileen V. Thayer to the Youth Commission for terms to expire June 1, 2008. The appointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Appointment to the Redevelopment Agency

Letter from Mark D. Boughton requesting confirmation of the appointment of Ernest M. Boynton to the Redevelopment Agency for a term to expire January 1, 2011. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Appointments to the Library Board of Directors

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment to the Library Board of Directors of Robert Feinson, William W. Goodman and Joan Damia for terms to expire January 1, 2009 and the reappointment of Dimples L. Armstrong for a term to expire January 1, 2008 and the appointment of Robert G. Mosley for a term to expire January 1, 2008. The reappointments and appointment were confirmed on the Consent Calendar.

14 – COMMUNICATION – Appointments to the Parks & Recreation Commission

Letter from Mark D. Boughton requesting confirmation of the appointment of Jackie A. DiNardo and Zachary S. Rapp to the Parks and Recreation Commission for terms to expire December 1, 2008. The appointments were confirmed on the Consent Calendar.

15 – COMMUNICATION – Reappointment to the Conservation Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of William Montgomery to the Conservation Commission for a term to expire July 1, 2008. The reappointment was confirmed on the Consent Calendar.

16 – COMMUNICATION – Appointments to the Lake Kenosia Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of Steven R. Landau to the Lake Kenosia Commission for a term to expire May 1, 2008 and the reappointment of Regina L. Ofiero and Steven L. Krammer for terms to expire May 1, 2008. The appointments were confirmed on the Consent Calendar.

17 – COMMUNICATION – Appointments to the Commission on Aging

Letter from Mayor Mark Boughton requesting confirmation of the reappointment of Diane G. Yamin to the Commission on Aging for a term to expire October 1, 2008 and the appointment of Lila Shaker as an alternate member with a term to expire October 1, 2008. The appointments were confirmed on the Consent Calendar.

18 – COMMUNICATION – Donation to the Library

Letter from Library Director Elizabeth McDonough requesting permission to accept a donation in the amount of \$50.00 from Dale W. Brown to the Library. Mr. Calandrino moved to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Visconti. Motion carried unanimously.

19 – COMMUNICATION – Donation to the Police Department

Letter from Police Chief Alan Baker requesting permission to accept a donation in the amount of \$50.00 from Bernard and Maryann Mitchell Holand for the Police Explorers Program. Mrs. Stanley 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.

20 – COMMUNICATION – Donations to the Social Services Department

Letter from Director of Welfare Deborah MacKenzie requesting permission to accept donations in the total amount of \$35 from employees of Arthritis Associates for the purchase of gift cards. Mr. Seabury made a motion to receive the communication, accept the donation, credit the appropriate line item and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

21 – 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 \$225 to the Department of Elderly Services. Mr. Cavo made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Saadi. Motion carried unanimously.

22 – COMMUNICATION – Donations to the City Shelter

Letter from Director of Welfare Deborah MacKenzie requesting permission to accept donations from GE/Druck for items to be used at the City Shelter at 41 New Street. Mrs. Stanley made a motion to receive the communication, accept the donations and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

23 – COMMUNICATION – Transfer of Funds, Police Department

WITHDRAWN

24 – COMMUNICATION – Transfer of Funds, Animal Control Fund

Request from Police Chief Alan Baker requesting that the sum of \$10,000 from the Police Department Regular Salaries operating budget to supplement the Animal Control Budget. A certification of funds was attached. Mr. Nolan made a motion to receive the communication and authorize the transfer of funds from the Police Department Regular Salaries operating budget to the Animal Control Budget. Seconded by Ms. Saracino. Motion carried unanimously.

25A – COMMUNICATION – Request for Funds – Public Works

Request from Director of Public Works William Buckley requesting that the sum of \$242,000 be transferred to the Public Works Department as outlined. A certification of funds was attached stating that \$50,000 will be appropriated through additional revenue received from the Town Road Aid Program and the remainder will come from the Contingency Account. Mr. Cavo made a motion to receive the communication and authorize the transfer of funds as outlined. Seconded by Mrs. McMahon. Motion carried unanimously.

25 – COMMUNICATION – School Building Committees

Letter from Director of Public Works William Buckley requesting that replacements be named to the School Building Committees. The names of Joan Hodge and Kathy Molinaro were recommended. The communication was received on the Consent Calendar and the appointment of Joan Hodge and Kathy Molinaro as members of the School Building Committee to replace former board members George O'Loughlin and Bobby Poole approved.

26 – COMMUNICATION – Eagle Road Center, Transfer of Property

Mrs. McMahon asked that this be referred to the Director of Public Works, the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

27 – COMMUNICATION – Lease Renewal, Bear Mountain Cottage

Ms. Teicholz asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Chairman of the Conservation Commission and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Trombetta, Basso and Saadi to the committee.

28 – COMMUNICATION – Request for Sewer and Water Extension – 1 Kennedy Avenue

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

29 – COMMUNICATION – ASCAP Contracts

Letter from Corporation Counsel Robert Yamin recommending entering into a licensing contract with ASCAP. The ASCAP standard form municipal contract provides for a one-year term, automatically renewable unless previously cancelled at a current annual fee of \$537.

Mr. Nolan made a motion to receive the communication, and authorize entering into a licensing contract with ASCAP at an annual fee of \$537. Seconded by Mrs. Basso. Mrs. Taborsak asked if there is a no music option. Attorney Yamin said no and the City could be subject to infringement even if the City is not directly involved. Mr. Saadi asked how many other municipalities have been sued? Attorney Yamin said no one has been sued. Mr. Rotello stated he learned that the only time we would be covered is if it is a City sponsored event. We would not be covered if someone holds an event on City property. Ms. Saracino asked if this covers school buildings? Attorney Yamin said it does. Mr. Chianese asked how this would be funded and Ms. Diorio said it would come from the Corporation Counsel's budget.

Motion carried with Mrs. Taborsak voting in the negative.

30 – COMMUNICATION – Amendment of Lease – Boxwood Lane Water Tank

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

31 – COMMUNICATION – Adopt a Triangle – White Street & Hartell Drive

Mr. Trombetta asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Police Chief. Mayor Boughton so ordered and appointed Council Members Teicholz, Seabury and Taborsak to the committee.

32 – COMMUNICATION – Petition from Westville Estates

Ms. Teicholz asked that this be referred to the Director of Public Works, the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

33 – COMMUNICATION – Dimitri Chaber, 55 Newtown Road

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

34 – COMMUNICATION – Easement for Well, 30 Middle River Road

Ms. Diggs 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, McMahon and Rotello to the committee.

35 – REPORT & RESOLUTION – Water Main Final Assessment – Ta’Agan Point

Mr. Nolan submitted the following report and resolution

The Common Council met as a committee of the whole on January 9, 2006 in the Common Council Chambers in City Hall.

Assistant City Engineer Patricia Ellsworth stated that this project has been completed and the assessments are lower than the preliminary numbers due to a state grant in the amount of \$283,000. Mrs. Ellsworth explained how the assessments are paid.

Mr. Cavo made a motion to recommend that the Common Council adopt the final assessments. Seconded by Mrs. Basso. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury caused a water line to be installed known as the Ta’Agan Point Water Main; and

WHEREAS, the General Statutes of the State of Connecticut require that assessments be made against property owners who benefit from said line; and

WHEREAS, the Common Council has determined the amount of said assessments, after public hearing, all according to law; and

WHEREAS, the Connecticut General Statutes Sections 7-137c, 7-137d and 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of water systems; and

WHEREAS, said installment method of payment is deemed to be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Assessment of Benefits fixed herein shall be due and payable on or before April 1, 2006, provided, however, that said assessments may be paid in installments in accordance herewith; and

BE IT FURTHER RESOLVED THAT the Tax Collector of the City of Danbury is hereby directed to file the appropriate Certificates of Notice of Installment Payment of Assessment of Benefits in the Land Records of the City of Danbury; and

BE IT FURTHER RESOLVED THAT the following provisions shall apply to installments of water benefit assessments in connection with the Spring Ridge Water Main:

1. The payment of any benefits by installments hereunder shall be in not more than nineteen (19) equal annual payments.
2. The minimum annual installment payment shall be Thirty-Nine Dollars and 46/100 (\$39.46).

3. The interest on any deferred payments hereunder shall be due at a rate per annum of Five percent (5.00%). Any person may pay any installment for which he is liable at any time prior to the due date thereof and no interest on any such installment shall be charged beyond the date of such payment.
4. The Town Clerk shall record on the Land Records of the City of Danbury a certificate signed by the Tax Collector of said City in a form substantially as attached.
5. A listing of the foregoing assessments will have been filed in the Town Clerk's Office on February 12, 2006. An appeal to the Superior Court from such assessment must be taken within sixty (60) days of such filing.

The foregoing amounts are hereby laid upon the properties owned wholly or in part by the parties named in the amounts and for the sums indicated for the expense of constructing the water and appurtenances in the Ta'Agan Point Water Main project as follows:

CERTIFICATE OF NOTICE OF INSTALLMENT PAYMENT OF ASSESSMENT OF BENEFITS

The undersigned Tax Collector of the City of Danbury in the County of Fairfield, State of Connecticut, hereby certifies from the date hereof an installment payment plan is in effect for payment of an assessment of benefits for the installation of a water system, in favor of the City of Danbury, upon real property situated in said City, which real property is more fully described in the City Land Records in:

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The notice of such assessment of water benefits herein certified is to _____ (owner of property), the principal of which is \$_____ due to said City of Danbury, together with legal interest fees and charges thereon assessed on February 7, 2006, in the name of _____, and the same becomes due on April 1, 2006 and may be paid in minimum annual installment payments of \$39.46 each plus interest at the rate of five percent (5.00%) on the unpaid balance and continuing to _____.

This certificate is filed pursuant to Sections 7-137c, 7-37d and 7-253 of the General Statutes, as amended.

The property assessed is:

Lot _____ Street _____

Item No. _____

Tax Collector

Received _____ At _____ m.

Recorded in the Danbury Land Records

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Town Clerk

AND BE IT FURTHER RESOLVED THAT the Assessment of Benefits by virtue of the construction of the water project are hereby fixed as follows:

The report was received on the Consent Calendar and the resolution regarding the final assessments for the Ta'Agan Point Area water extension adopted.

36 – REPORT – Cannondale Road

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.

Assistant City Engineer Patricia Ellsworth stated that the plan is preliminary and a mail survey has been completed. There are seven lots. Six property owners responded and all were in favor. The seventh property owner did not respond. Mrs. Ellsworth stated that the cost of the project is approximately \$150,000 and the cost of drainage will be approximately \$50,000. Mrs. Stanley asked if we are going to accept a road that needs drainage. Mrs. Ellsworth said the road would be accepted after the work is done.

Mr. Visconti made a motion to recommend that the project proceed. Seconded by Ms. Saracino. Mr. Visconti offered an amendment that the City provide the pipe. Seconded by Mr. Seabury. After discussion, the amendment was withdrawn. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation to authorize the continuation of the project for road improvements prior to the City acceptance of Cannondale Drive, subject to the assessment methodology approved.

37 – REPORT – Daley's Lane

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 in City Hall.

Attorney Gottschalk stated that the committee met based on a request from St. Anthony's Church. He stated that the status of Daley's Lane is unclear. A quitclaim deed to the City was filed in 1892. He evaluated the evidence available. He could not determine if the City accepted the land. The City can acquire a road by use or you can vote to discontinue the road and quitclaim your interest to abutting property owners and abandon use of the road. He said that Daley's Lane is of no use to the City in its present condition. He also stated that when the City discontinues a road the property owners have a right to pass and repass over that property.

Mr. Cavo made a motion to recommend that the City quitclaim the property to abutting property owners and discontinue the road. Seconded by Mrs. Basso. Motion carried unanimously.

Ms. Saracino made a motion to receive the report and adopt the committee recommendation. Seconded by Mr. Trombetta. Motion carried with Mr. Rotello and Ms. Taborsak voting in the negative.

38 – REPORT – Request to Rename Eagle Road to International Drive

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request to rename Eagle Road to International Drive met on January 17, 2006 at 6:40 P.M. In attendance were committee members Cavo and Saracino. Also in attendance

were Director of Public Works William Buckley, Chief of Police Alan Baker and Council Members Calandrino, Seabury and Teicholz, ex-officio.

Mr. Buckley stated that the Common Council abandoned International Drive near the new Loew's. Mr. Cavo asked the Police Chief's opinion of the name change. Chief Baker said he supports it.

Ms. Saracino made a motion to recommend that Eagle Road be changed to International Drive. Seconded by Mr. Cavo. Mr. Cavo stated that he wants to keep two roads from having the same name. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation that Eagle Road be renamed International Drive adopted.

39 – REPORT – Request for Water Extension at 62-84 Federal Road

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review the request for water extension at 62-84 Federal Road met on January 17, 2006 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Chianese. Also in attendance were Director of Public Works William Buckley, Police Chief Alan Baker, Civil Engineer Ben Doto for the petitioner and Council Members Saracino, Seabury and Teicholz, ex-officio.

Mr. Calandrino noted the positive recommendation from the Planning Commission. Mr. Buckley that this proposal is from General Motors and it the old drive-in movie site near Morgan Avenue and Federal Road. The water is from the north side of Federal Road and this builds on our existing water system. Mr. Buckley said he would recommend approval subject to the required eight steps.

Mr. Cavo made a motion to recommend approval of the request for water extension at 62-84 Federal Road subject to the required eight steps. Seconded by Mr. Chianese. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation to approve the water extension at 62-84 Federal Road subject to the required eight steps approved.

40 – REPORT – Repair and Replace Sidewalks at 54 Elm Street

Mr. Cutsumpas submitted the following report:

The Common Council Committee appointed to review a request for reimbursement for the repair and replacing of sidewalks at 54 Elm Street met on January 18, 2006 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cutsumpas, Basso and Chianese. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, the petitioner Jean Papajohn and Mary Teicholz, ex-officio.

Mr. Buckley stated that the homeowner, perhaps in response to a directive from the Highway Department, took on the work of repairing their sidewalk. One of Mr. Buckley's staff engineers indicated that there was a problem with the reconstruction because the sidewalk spanned the Blind Brook. Mr. Buckley reviewed the situation and told the homeowner to hire an engineer to find a solution to repair the sidewalk over the bridge. Since it was part of the bridge it was an extraordinary expense. Mr. Buckley stated that he recommends that the Common Council consider offsetting the expense as a result of the bridge crossing. He has reviewed the bills and recommends that the sum of \$4,385 be reimbursed to the homeowner.

Mr. Chianese asked from which budget would the funds be taken? Mr. Buckley said the funds would come from the Highway Department budget.

Mr. Chianese made a motion to recommend that the City approve the reimbursement to the homeowner in the amount of \$4,385.00. Seconded by Mrs. Basso. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation to approve reimbursement of the homeowner at 54 Elm Street in the amount of \$4,385.00 from the Highway Department Budget as proposed by the Director of Public Works subject to certification by the Director of Finance and Personnel approved.

41 – REPORT - Request for Deferral of Assessment Increases – 40-42 Kenosia Avenue

Mr. Riley submitted the following report:

The Common Council Committee appointed to review the application for deferral of assessment increases at 40-42 Kenosia Avenue met on January 24, 2006 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Riley, Seabury and Visconti. Also in attendance were Director of Finance Dena Diorio, Deputy Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern and Director of Economic Development Wayne Shepperd.

Mr. Elpern stated that the deferral is for the construction of a building for the selling or renting of construction equipment. It is for two million dollars for seven years at 100%. A two million dollar project would only be eligible for a two-year deferral. Mr. Elpern stated that he does not believe that the use is in compliance to qualify for the deferral.

Mr. Visconti asked how many employees would be involved? Mr. Shepperd stated between 20 and 25. Ms. Diorio stated that the Tax Assessor found \$970,000 worth of construction. The deferral would be about \$15,000 for two year. Attorney Gottschalk said the ordinance is consistent with the language in state statutes. With the issues raised regarding overall use, there would be a problem under both the statute and the ordinance.

Mr. Seabury made a motion to recommend that the application for deferral of assessment increases at 40-42 Kenosia Avenue be denied. Seconded by Mr. Visconti. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation to deny the application of assessment increases at 40-42 Kenosia Avenue approved.

42 – REPORT – Application for Deferral of Assessment Increases – 1 Casper Street

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request for deferral of assessment increases at 1 Casper Street met on January 24, 2006 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Calandrino and Esposito. Also in attendance were Director of Finance Dena Diorio, Deputy Corporation Counsel Eric Gottschalk, Director of Economic Development Wayne Shepperd, Director of Planning Dennis Elpern, Attorney Chris Donahue, Per Fog from Mannkind Corporation and Council Members Riley, Seabury and Visconti, ex-officio.

Mr. Elpern said the construction and renovation at 1 Casper Street is for 107 million dollars at 100% deferral. Ms. Diorio said the deferral is only eligible on true construction costs and does not include furniture or fixtures. The

value of the property will increase by 23.8 million dollars for a deferral of \$456,000 per year. Mr. Fog said personnel will increase by approximately 400 people, both skilled labor and factory workers. Attorney Gottschalk said since it is manufacturing use it qualifies under ordinance section 18-25. The period and level of deferral is consistent with the levels in the ordinance and starts upon the issuance of the certificate of occupancy.

Mr. Calandrino made a motion to recommend approval of the application for the deferral of assessment increases at 1 Casper Street. Seconded by Mr. Esposito. Motion carried unanimously.

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

43 – REPORT & ORDINANCE – Towing

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.

Attorney Gottschalk stated that the key changes are the level of insurance protection has been raised, licensing fees, types of lists, service levels, the need for rotation towers to clean up accident sites, the right of access to contents of stored vehicles and tow truck driver qualifications.

Mr. Cavo asked the Police Chief if he is happy with the revised ordinance. Chief Baker said he is very happy with it and it will improve service.

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

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

THAT Article II of Chapter 20 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Article II: Rotation-Towing Licensure

Sec. 20-12. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

City. “City” means the City of Danbury.

Incident. “Incident” means a motor vehicle accident, an abandoned or illegally parked vehicle, a disabled police vehicle or any other circumstance, which in the opinion of a member of the Danbury Police Department requires the services of a tower.

Licensee. “Licensee” means a person who holds a license issued pursuant to the provisions of Section 20-16 of this article.

Person. “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.

Rotation-Tower. “Rotation-Tower,” means a “tower,” as herein defined who is available on a twenty-four (24) hour a day basis, and called to the scene of an incident by

the police department of the City of Danbury, in compliance with and in accordance with all regulations and requirements contained herein.

Tower. “Tower” means a person who owns sufficient equipment and appropriate wreckers and is offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose.

Wrecker. “Wrecker” means a vehicle which is registered, designated, equipped and used for the purposes of towing or transporting wrecked or disabled motor vehicles.

Sec. 20-13. Penalty for violation of article.

Any violation of this article shall carry with it a fine not to exceed one hundred dollars (\$100.00) for each offense.

Sec. 20-14. Scope of article.

- (a) Nothing contained herein shall be construed as affecting the right of the operator or owner of a disabled motor vehicle to call a wrecker of his own choice and to tow the disabled vehicle to a place he designates.
- (b) Nothing contained herein shall be construed as affecting the right of any commercial carrier to use its own specially equipped tow vehicles.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, members of the Danbury Police Department may determine that for reasons of public safety the immediate use of a rotation-tower is required.

Sec. 20-15. License required of a tower.

Any tower holding a valid license as a “wrecker”, “repairer,” “new car dealer” or “used car dealer”, issued by the State of Connecticut may engage in the business of a tower and, subject to the further provisions hereof, may obtain a license as a rotation-tower. Nothing contained herein shall prevent a tower from responding to individual calls for service from his own customers or their agents or from the general public.

Sec. 20-16. License required of a “rotation-tower”; application; requirements for license; insurance; car storage; equipment.

(a) *Application.* Application for a license under this article shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

- (1) The name, home address, and business address of the applicant, together with evidence that the applicant possesses one of the licenses described in section 20-15 hereof and a corresponding state license number.
- (2) The location, number and description of the wreckers to be used by the applicant, and an express representation that the service will be available twenty-four (24) hours a day seven (7) days a week.
- (3) That the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed by him from the place where they were disabled.
- (4) The location of each proposed vehicle storage facility owned or under the control of the applicant.

- (5) A description of the color scheme and insignia appearing on the wreckers to be used by the applicant, together with a color photograph of a representative wrecker of each class.
- (6) A commercial or cellular telephone number, allowing contact by the Danbury Police Department on a twenty four (24) hour, seven (7) day per week basis.
- (7) Such other information as the Chief of Police shall find reasonably necessary to effectuate the purposes of this article and to arrive at a fair determination of whether the terms of this article have been complied with in full.

(b) *License.* The general requirements for a rotation-tower license shall be as follows:

- (1) The applicant must have a valid State of Connecticut license in one of the categories identified in section 20-15 hereof.
- (2) The applicant's place of business must be within the City of Danbury.
- (3) The applicant must be of good moral character, and a citizen of the United States.

(c) *Insurance Policies.* Upon approval of his application a licensee shall obtain the following insurance policies with companies authorized to do business in the State of Connecticut with a Best rating of B+ or better:

- (1) A Garage Keepers legal liability policy in the amount of not less than Two Million Dollars (\$2,000,000.00) per occurrence, and two million dollars (\$2,000,000.00) in the aggregate, which policy shall include all-risk protection.
- (2) A General Liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars (\$2,000,000.00) per occurrence, and two million dollars (\$2,000,000.00) in the aggregate.
- (3) An Automobile Liability insurance policy covering personal injury and property damage in the amount of not less than two million dollars (\$2,000,000.00) per occurrence, and two million dollars (\$2,000,000.00) in the aggregate

The City shall be named on said policies as an additional named insured and a certificate of insurance shall be placed on file with the City prior to the issuance of a license pursuant to the provisions of section 20-16 hereof. The City shall be notified of any policy cancellation not less than thirty (30) days prior thereto. Each licensee shall assume liability for personal injury or property damage resulting from its intentional or negligent acts resulting from the operation of a wrecker under the provisions of this article and shall indemnify and hold the City harmless from any and all claims, demands, suits or damages arising from said licensee's activities pursuant to this article. Each insurance policy shall be in the name of the licensee and shall specifically include coverage for vehicle towing and storage. All such insurance policies shall be in effect for periods of not less than one (1) year.

(d) *Motor Vehicle Storage.*

- (1) Motor vehicle storage facilities shall be located on property owned or leased by the licensee. All vehicles towed at the request of the City shall be stored at the licensee's storage facility, unless

otherwise directed by a member of the Danbury Police Department.

- (2) Licensees must provide inside storage space for a minimum of five (5) vehicles and still be able to maintain the primary function of their business.
- (3) Outside storage space must be enclosed by a wire or other suitable fence with a minimum height of six (6) feet and an area for storage of a minimum of twenty (20) vehicles. Any such fence shall enclose the entire vehicle storage area.
- (4) Prior to the issuance of a license hereunder the applicant shall provide evidence that all motor vehicle storage areas and related fencing have been inspected by the building official and zoning enforcement officer and that they have found the same to be in compliance with the provisions of this section and of all other applicable laws

(e) *Equipment.*

In addition to the requirements of state law, each wrecker shall be equipped with brooms, shovels, absorbent compound, chains or recovery straps and a pinch bar, pry bar or crowbar and other safety equipment as may be required by the Chief of Police.

(f) *Wreckers.*

- (1) Except as otherwise provided herein, a rotation-tower shall have a minimum of one (1) wrecker and one (1) flatbed wrecker. Any tower holding a license as a rotation-tower on January 1, 2006, and having only one (1) wrecker or one (1) flatbed wrecker shall continue to be eligible for licensure hereunder, provided that said tower complies with all other provisions of this article and provided further that said tower continuously maintains said license.
- (2) Each wrecker operating under the authority of a licensed rotation-tower shall be kept and maintained in a safe and clean operating condition.

Sec. 20-17. License fee of rotation-tower; expiration date.

A license shall be issued to a successful applicant hereunder provided the rotation-tower pays the City of Danbury the license fee of One Hundred Dollars (\$100) per wrecker each year or portion thereof, and unless sooner revoked, the license shall expire on April 1st of each year.

Sec. 20-18. Duties of rotation-tower licensee.

A license shall be issued to a rotation-tower subject to the following conditions

(a) *Exhibition of Sticker.* The Chief of Police shall issue to a licensed rotation-tower a sticker for each wrecker owned or leased by the licensee indicating that he is duly licensed in accordance with the provisions of this article and the sticker shall at all times be prominently displayed on each wrecker.

(b) *Compliance with rate schedule; Invoices.* The rotation-tower shall charge for his service only such rates as are approved by the State of Connecticut and an approved rate schedule shall be available for inspection in all wreckers and shall be prominently displayed in the rotation-tower's place of business. The rotation-tower shall maintain copies of invoices related to each incident to which said rotation-tower responds on file for a period of not less than six (6) years.

(c) *Hours of availability.* The rotation-tower must be available twenty-four (24) hours a day seven days a week

(d) *Response Time.* The rotation-tower shall respond to Police Department dispatch requests within thirty (30) minutes of notification. In the event that a rotation-tower is unable to respond within said time, the rotation-tower shall promptly notify the Danbury Police Department.

(e) *Non-Assignment.* Rotation-towers shall not assign their responsibilities under this article to other persons.

(f) *Clean-up.* Whenever any rotation-tower removes a motor vehicle from the scene of an incident, it shall be the duty of the driver or driver's helper to remove and dispose of all glass, metal and other debris that has been cast upon the public highways as a result of such incident. The operator shall follow the directions of the Police or Fire officer at the scene and shall not depart from the scene until all debris has been removed and he has been released by said officer. If the operator fails to properly clear the area of debris the Police Department may require him to return to the scene to complete the cleaning and may skip the rotation-tower the next time that said tower appears on a rotation list.

(g) *Vehicle Removal; Transportation.*

(1) The rotation-tower shall be responsible for the safe removal of the motor vehicle and its contents from the scene of an incident and for the transportation of occupants, except when said occupants either cannot legally be so transported or have made other transportation arrangements.

(2) The rotation-tower shall notify the Danbury Police Department whenever a vehicle is removed from the scene of any incident without a police officer at the scene and provide the department with information regarding the location and time of the incident, a description of the vehicle and the location of the facility where it is to be stored.

(h) *Emergency access to stored vehicles.* In addition to the requirements of state law regarding emergency access to stored vehicles, rotation-towers shall also permit the owner or person entitled to custody of such vehicle, or his authorized designee, to have access to the vehicle in order to retrieve perishable items.

(i) *Police Discretion.* When a police officer at the scene of an incident observes that a wrecker is incapable of safely removing a vehicle from the scene, or that the actions of the operator are creating an unsafe condition, the officer may order the operator to leave the scene. The police department may then choose to dispatch another operator or another rotation-tower.

Sec. 20-19. Revocation or suspension of license.

The chief of police may suspend or revoke a license issued hereunder upon any of the following grounds:

- (a) The license was procured by fraudulent conduct or false statement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application and such fact would have constituted just cause for refusal to issue said license.
- (b) The licensee illegally employed a shortwave radio to obtain information as to the location of the scene of an incident.
- (c) The licensee paid in the form of a gratuity any third person not involved in the incident for information as to the location of the incident.
- (d) The licensee has violated the fee schedule by an overcharge.

- (e) The licensee has violated any of the provisions of this article or of any local, state or federal law, rule or regulation, which violation demonstrates conduct inconsistent with the financial or ethical responsibilities associated with the public trust required of the licensee.
- (f) The licensee discontinued operations for more than sixty (60) days.
- (g) Failure to respond promptly to or be available at times required by the Police Department on four (4) or more occasions within a six (6) month period.
- (h) All decisions of the Chief of Police shall be final and shall not be subject to appeal.

Sec. 20-20. Reinstatement of license.

Any licensee may apply in writing to the chief of police within thirty (30) days for reinstatement of a license revoked for any violation.

Sec. 20-21. Police procedure.

(a) *Dispatching wrecker.*

- (1) The desk officer in the police department shall be in charge of the administration of this program.
- (2) There shall be three (3) rotation-tow lists: A weekly tow list, a heavy duty tow list and a serious accident tow list. Each week the rotation-tower appearing next in sequence upon the weekly tow list shall be dispatched to all routine incidents. Each month the rotation-tower appearing next in sequence upon the heavy duty tow list shall be dispatched to all incident calls requiring a heavy duty tower. Each month the rotation-tower appearing next in sequence upon the serious accident tow list shall be dispatched to all incident calls involving serious or fatal accidents.
- (3) Wreckers shall be dispatched to an incident by the desk officer in sequence on a rotating numerical basis.
- (4) No wrecker or employee or owner of a garage or repair shop having a rotation-tow license shall go to the scene of an incident unless dispatched to the scene by an authorized member of the Police department.
- (5) It shall be unlawful for any wrecker not licensed pursuant to the provisions of this article to go to the scene of an incident with the intent to solicit repair or tow jobs.

(b) *Assignment of tow cars.*

- 1) When in the opinion of the officer detailed to investigate an incident, the services of a wrecker are needed, the desk officer shall be notified who in turn will call the next rotation-tower in sequence on the appropriate list.
- (2) The desk officer shall indicate to the rotation-tower the type of incident, the type of wrecker needed, the location of the incident and any other pertinent information that may be needed.
- (3) If in the opinion of the investigating officer more than one (1) wrecker is needed at the scene, the rotation-tower that supplied the first wrecker shall, whenever possible supply the additional wreckers. Otherwise, additional rotation-towers shall be selected from the appropriate list.

- 4) Failure to respond at the scene of an incident within thirty (30) minutes after being notified by the Police department will be deemed an unreasonable delay and another rotation-tower will be dispatched.

(c) Garage Procedures.

- (1) No car that has been towed in shall be disassembled until after twenty four (24) hours have elapsed from the time of the arrival of said car at the garage, and only after written authorization by the owner of said vehicle.
- (2) No car that has been towed in shall be repaired until twenty four (24) hours have elapsed from the time of the arrival of the said car at the garage and only after written authorization by the owner of said vehicle.
- (3) If the garage or repair shop requested by owner or operator of a vehicle is not open for service, the vehicle will be taken to the garage of the rotation-tower and the vehicle will be turned over to the operator of the garage of the owner's choice upon payment of the towing charge.

Sec. 20-22. Qualification of Wrecker Drivers.

- (A) Within six (6) months from the effective date hereof, rotation-tow vehicle drivers shall successfully complete the national driver certification program of the Towing and Recovery Association of American or a comparable certification program approved by the Chief of Police. Thereafter, all new rotation-tow vehicle drivers shall be similarly certified within six (6) months after they begin work for a rotation-tow licensee.
- (B) In order to be included on the heavy duty tow list a licensee must employ at least one driver possessing heavy duty recovery advanced level training and certification and one driver with no fewer than five (5) years of experience in heavy duty recovery operations.
- (C) Written proof of the certifications described in this section shall be provided to the Chief of Police upon request.

The report was received on the Consent Calendar and the ordinance adopted.

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

45 – COMMUNICATION – Appointment to the Library Board of Directors

Mr. Nolan made a motion to add item 45 to the agenda. Seconded by Ms. Saracino. Motion carried unanimously. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of the appointment of Douglas H. Van Clief to the Library Board of Directors for a term to expire January 1, 2008. Mr. Calandrino made a motion to receive the communication and confirm the appointment. Seconded by Mr. Chianese. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 8:50 P.M. by Mr. Seabury for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor