

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

RE: Minutes of the Common Council Meeting held June 6, 2006

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

PRESENT – McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Saadi, Cavo, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Saracino, Seabury, Stanley, Taborsak

ABSENT – Riley

20 PRESENT – 1 ABSENT

Mr. Riley was out of town on business.

PUBLIC SPEAKING

Marc Grenier, 242 Franklin Street Ext. – Spoke in favor of item 32. He will be available to answer any questions at a sub-committee meeting.

Lynn Waller, 83 Highland Avenue – Spoke in favor of the tax credits for elderly homeowners proposal.

Sandra Wrobel, 4 Contemporary Drive – It is important to give tax credits to elderly homeowners. You owe it to residents who have lived here all their lives.

MINUTES – Minutes of the Common Council Meeting held May 2, 2006 and the Special Common Council Meeting held May 22, 2006. Mr. Cavo made a motion to adopt 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 approve the resolution to authorize Mayor Mark Boughton to apply for and accept the Northeast Regional Workforce Investment Board grant of \$123,525 for youth employment.
- 3 – Receive the communication and approve the resolution to authorize Corporation Counsel to acquire the properties set forth in the correspondence
- 4 – Receive the communication and approve the resolution authorizing WIC to sign an agreement with the State of Connecticut Department of Agriculture for \$696.50.
- 5 – Receive the communication and approve the resolution authorizing Mayor Mark Boughton, or his designee, Police Chief Alan Baker to execute a V.A.L.E. Grant Application Form to secure funding in the amount of \$45,000.
- 6 – Receive the communication and approve the resolution authorizing Mayor Mark Boughton to effectuate the CDBG grant application.
- 8 – Receive the communication and approve the resolution authorizing the Corporation Counsel's office to take the necessary steps to acquire the easement.
- 9 – Receive the communication and approve the resolution to renew the Common Council's previous approval of acquisition of certain properties associated with the Hawthorne Terrace Water System.

10 – Receive the communication and approve the resolution to renew the Common Council's previous approval of acquisition of certain properties associated with the Irving Place road acceptance.

12 – Receive the communication and approve the appointment of Bernard Gallo and Jessica Soriano for terms to expire December 1, 2008.

19 – Receive the communication and approve the request for additional funding in the amount of \$265,000 for the Police Department Special Services Account.

21 – Receive the communication and authorize the Corporation Counsel's office to take the steps necessary to acquire the easement for the new fire hydrant at WCSU on Dr. James Roach Avenue and authorize Mayor Mark Boughton to execute the legal document.

23 – Receive the communication and approve and accept the sewer and water lines at 23 Scuppo Road subject to a positive Planning Commission approval as well as the required eight steps, with a ninth step as follows: "It will be understood that the existing lines have not been completely inspected and tested by the Public Works Department and those inspections and tests need to be performed. Further, it may be necessary for the developer/petitioner to replace parts or all of the existing privately owned water and/or sewer lines should the inspections and tests indicate replacement is necessary. The City Engineer will make that determination after the inspection and test results are reviewed; and the replacement work and costs will be the responsibility of the developer/petitioner."

24 – Receive the communication and approve the transfer of \$25,000 from contingency to the Equipment Maintenance Division's Maintain Automotive Equipment account.

26 – Receive the communication and approve the disposal of surplus vehicles and equipment.

34 – Receive the report and approve the recommendation of the committee to adopt the resolution concerning the Neighborhood Assistance Act.

36 – Receive the report and approve the recommendation of the committee to amend the Noise Ordinance.

38 – Receive the report and approve the Duck Pin Bowling Lease as recommended by the committee.

41 – Receive the report and approve the committee's recommendation to accept the final assessments for the Backus Avenue Sanitary Sewer.

42 – Receive the report and approve the committee's recommendation for an eighteen-month extension for sewer and water extensions at 12 Clapboard Ridge Road.

43 – Receive the report and approve the committee's recommendation for approval of sewer and water extensions at 1 Kennedy Place.

Mr. Rotello made a motion to accept the Consent Calendar with the removal of item 41. Seconded by Mr. Seabury. Ms. Taborsak asked that items 6, 23 and 24 be removed. Motion carried unanimously.

1 – ORDINANCE – Establishment of Penalties for Zoning Regulations Violations; Citation Procedure. Mr. Cavo asked that this be deferred to a public hearing. Mayor Boughton so ordered.

2 – RESOLUTION – Summer Youth Employment Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Northwest Regional Workforce Investment Board has proposed grant funding in the amount of \$123,525.00 in order to allow the creation of a Summer Youth Employment Program in Danbury; and

WHEREAS, this funding will enable the City to employ up to 110 low income youths to participate in "clean teams" throughout the community; and

WHEREAS, the program will be monitored by City departments, including Parks Maintenance and Director of Recreation, as well as the Office of the Mayor.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to make application for and receive a grant from the Northwest Regional Workforce Investment Board in an amount up to \$123,525.00 for the purposes of establishing a Summer Youth Employment Program, and to take all necessary actions in order to accomplish the purposes thereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark Boughton to apply for and accept the Northeast Regional Workforce Investment Board grant of \$123,525 for youth employment approved.

3 – RESOLUTION – Acquisition of Property: Senior Center/Phase II

RESOLVED by the Common Council of the City of Danbury:

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

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

WHEREAS, the properties to be acquired are described and identified in EXHIBIT A attached hereto; and

WHEREAS, said properties 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 properties and proceed with the Senior Center Campus project.

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

The communication was received on the Consent Calendar and the resolution to authorize the Corporation Counsel to acquire the properties set forth in the correspondence approved.

4 – RESOLUTION – Farmers Market Coupon Grant

WHEREAS, the City of Danbury's Women, Infants and Children's Program (WIC) wishes to enter into an agreement with the State of Connecticut Department of Agriculture for funds in the amount of \$696.50 to be used for supplementing staffing during the Farmer's Market Program; and

WHEREAS, said funds are to be used to administer the issuance of farmer's market coupons to enable WIC participants to purchase fresh fruits and vegetables at the local Farmer's Market during the summer of 2006; and

WHEREAS, the period for the availability of this grant is June 2006 through September 2006; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury WIC Office is authorized to sign an agreement with the State of Connecticut Department of Agriculture for this amount and to do all things necessary to administer the 2006 summer Farmer's Market Coupon Program to its clients.

The communication was received on the Consent Calendar and the resolution authorizing WIC to sign an agreement with the State of Connecticut Department of Agriculture for \$696.50 approved.

5 – RESOLUTION – Victim's Advocate Law Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management Victim Advocate Law Enforcement Program (V.A.L.E.) has offered a grant to the City of Danbury in the amount of \$45,000.00; and

WHEREAS, said grant would provide funding for law enforcement to develop a victim advocate law enforcement program in the City of Danbury to focus on improving response to domestic violence crimes, enhancing access to victim services and creating collaborative relationships between victim advocates and police; and

WHEREAS, of the total award of \$45,000.00, the federal match is \$33,750.00 and the State match is \$11,250.00 with no local share required; and

WHEREAS, the proposed period of award will be July 1, 2006 through March 27, 2007.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, or his designee, Alan D. Baker, the Chief of Police be and hereby are authorized to execute a V.A.L.E. Grant Application Form in order to secure the funding for the V.A.L.E. program and to ratify and take all necessary action in furtherance thereof.

The communication was received on the Consent Calendar and the resolution authoring Mayor Mark D. Boughton, or his designee, Police Chief Alan Baker to execute a V.A.L.E. Grant Application Form to secure funding in the amount of \$45,000 approved.

6 – RESOLUTION – Community Development Block Grant Program – YR32

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development has allocated funds under Title I of the Housing and Community Development Act of 1987, as amended, which authorized the Community Development Block Grant Program; and

WHEREA, it is in the best interests of the City of Danbury to apply for a grant under such Act; and

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to approve and submit the City's

Consolidated Plan 2005-2010 and Annual Action Plan for PY32 and make application on behalf of the City of Danbury to the United States Department of Housing and Urban Development for grant funds for the Community Development Program Year commencing August 1, 2006 through July 31, 2007 for the Thirty-Second Year Funding in accordance with all pertinent laws and regulations and the Statement of Community Development Objectives and Projected Use of Funds proposed by the Mayor's Community Development Program Policy Committee.

BE IT FURTHER RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute all contracts and take all necessary actions to effectuate the purposes of this grant application.

Ms. Saracino made a motion to receive the communication and adopt the resolution. Seconded by Mr. Cavo. Ms. Taborsak questioned the \$15,000 for Van Drivers for the elderly. Ms. Diorio said this money goes towards paying the van drivers. Ms. Taborsak said that the Common Council had funded two positions at \$20,800. Ms. Diorio said this is an offset. It is fully funded by two sources. Motion carried unanimously.

7 – RESOLUTION – Parking Garage/Library Place

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision2 bond package is proceeding through plans and designs to construct a downtown parking garage; and

WHEREAS, in order to undertake the above referenced project, the City must acquire certain parcels of land or interests in real property as described in the Exhibit attached hereto; and

WHEREAS, said easements and property interests 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 and property interests 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 December 1, 2006.

Mrs. Teicholz made a motion to receive the communication and adopt the resolution. Seconded by Mr. Seabury. Ms. Taborsak asked if negotiations will be completed by December 1, 2006 or will eminent domain proceedings begin. Attorney Gottschalk said the easement is already acquired but unrelated lawsuits could affect the taking. Motion carried unanimously.

8 – RESOLUTION – Olive Street and Tilden Road Sanitary Sewer and Storm Sewer Easement

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 December 1, 2006.

The communication was received on the Consent Calendar and the resolution authorizing the Corporation Counsel's office to take the necessary steps to acquire the easement approved.

9 – RESOLUTION – Acquisition of Property: Hawthorn Terrace Water System

RESOLVED by the Common Council of the City of Danbury:

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

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

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

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

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

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

The communication was received on the Consent Calendar and the resolution to renew the Common Council's previous approval of acquisition of certain properties associated with the Hawthorne Terrace Water System approved.

10 – RESOLUTION – Irving Place Acceptance – Acquisition of Property

WHEREAS, the City of Danbury seeks to accept Irving Place as a city street; and

WHEREAS, as part of the acceptance of Irving Place, the City of Danbury seeks to acquire title to the road right of way, sewer and water lines and all necessary easements; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in the Schedules A, B, C and D 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 their 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 December 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.

The communication was received on the Consent Calendar and the resolution to renew the Common Council's previous approval of acquisition of certain properties associated with the Irving Place road acceptance adopted.

11 – COMMUNICATION – Appointments of Police Officers

Letter from Mayor Boughton requesting confirmation of the appointments of John Basile and Michael Iaquinto as Police Officers. Mrs. Stanley made a motion to receive the communication and confirm the appointments. Seconded by Mrs. Teicholz. Motion carried unanimously.

12 – COMMUNICATION – Appointments to the Environmental Impact Commission

Letter from Mayor Boughton requesting confirmation of the appointments of Bernie Gallo and Jessica R. Soriano to the Environmental Impact Commission for terms to expire December 1, 2008. The communication was received on the Consent Calendar and the appointments confirmed.

13 – 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 \$195 for the office supplies line item. 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. Chianese. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$300 from the Philantropic Fund. Mr. Johnson made a motion to receive the communication, accept the donation, credit the appropriate line item and send letters of thanks. Seconded by Mr. Cutsumpas. Motion carried unanimously.

15 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$10.84 from Susan J. Horton and a donation in the amount of \$10.84 from Laura D. McLaughlin. 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. McMahan. Motion carried unanimously.

16 – COMMUNICATION – Donation to the Police Department

Letter from Chief of Police Alan Baker requesting permission to accept the donation of a DVD play for use by the Danbury Police Department's Youth

Bureau. Mr. Trombetta made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Johnson. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Still River Greenway Project

Letter from Jack Kozuchowski requesting permission to accept a donation in the amount of \$500 from the Rotary Club for the Still River Greenway Project. Mr. Nagarsheth made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

18 – COMMUNICATION – Request for Audit Committee

Letter from Director of Finance Dena Diorio requesting that an audit committee be appointed to begin the audit process. Mrs. McMahon asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Calandrino, Saracino and Esposito to the committee.

19 – COMMUNICATION – Police Department Special Services Account

Letter from Chief of Police Alan Backer requesting that the sum of \$265,000 be transferred to the Police Department Special Services Account. The communication was received on the Consent Calendar and the transfer of funds authorized.

20 – COMMUNICATION – Appropriation to the Ambulance Fund

Request from Director of Finance Dena Diorio that an additional appropriation of \$19,000 be transferred to the Ambulance Fund budget – Billing Fees due to increased collections. Mrs. Basso made a motion to receive the communication and authorize the transfer of funds. Seconded by Mr. Nagarsheth. Ms. Taborsak asked what percentage is paid? Ms. Diorio said we pay 10% up to 1.5 million and 12 1/2 % above 1.5 million. Ms. Taborsak asked if the appropriation comes from user's fees and Ms. Diorio said it does. Motion carried unanimously.

21 – COMMUNICATION – Fire Hydrant Easement – WCSU

Letter from Director of Public Works William Buckley requesting that the Common Council authorize the Corporation Counsel's office to take steps to acquire an easement for a fire hydrant and authorize the Mayor to execute the legal documents.

The communication was received on the Consent Calendar and the Corporation Counsel's office authorized to take the steps necessary to acquire the easement for the new fire hydrant at WCSU on Dr. James Roach Avenue and authorize Mayor Mark Boughton to execute the legal documents.

22 – COMMUNICATION – Request for Sewer Line – 4 Stadley Rough Road

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

23 – COMMUNICATION – Request for Sewer and Water Line Acceptance at 23 Scuppo Road

Mr. Cavo made a motion to receive the communication and approve and accept the sewer and water lines at 23 Scuppo Road subject to a positive Planning Commission approval as well as the required eight steps, with a ninth step as follows: "It will be understood that the existing lines have not

been completely inspected and tested by the Public Works Department and those inspections and tests need to be performed. Further, it may be necessary for the developer/petitioner to replace parts or all of the existing privately owned water and/or sewer lines should the inspections and tests indicate replacement is necessary. The City Engineer will make that determination after the inspection and test results are reviewed; and the replacement work and costs will be the responsibility of the developer/petitioner." Seconded by Ms. Saracino.

Mr. Visconti asked Mr. Buckley if that six-inch pipe is too small and fails, would the petitioner have to replace it? Mr. Buckley said yes and that is the purpose of the ninth step. Mr. Saadi asked if there is a precedent for this type of approval? Mr. Buckley said the Common Council has previously accepted existing lines. Mr. Saadi asked if this is legally binding if a problem occurs? Attorney Gottschalk all will be resolved prior to transfer but the conditions would still be imposed. Ms. Taborsak asked how this differs from private roads? Mr. Buckley said it is not different in concept. Mr. Rotello asked the age of the lines. Mr. Buckley said they are 30 or 35 years old.

Motion carried unanimously.

24 – COMMUNICATION – Request for Funds – Equipment Maintenance

Letter from Director of Public Works William Buckley requesting that the sum of \$25,000 be transferred into the Equipment Maintenance Division which is low on funds as a result of the sweeping services that the City is providing. A certification of funds was attached.

Mr. Cavo made a motion to receive the communication and authorize the transfer of funds. Seconded by Mrs. Basso. Motion carried unanimously.

25 – COMMUNICATION – Request for Funds – Board of Education

Letter from Superintendent of School Eddie Davis requesting supplemental funding in the amount of \$532,461.00 earmarked for energy and fuel cost increases. A certification of funds was attached stating that the appropriation will be funded through additional revenue received from the ECS Grant.

Ms. Saracino made a motion to receive the communication and authorize the transfer of funds. Seconded by Mr. Seabury. Motion carried unanimously.

26 – COMMUNICATION – Request for Permission – Disposal of Surplus Vehicles and Equipment

Request from Purchasing Agent Charles Volpe for permission to sell surplus vehicles and equipment, along with the remaining surplus fixtures and equipment located in the acquired former Immanuel Lutheran School building on Foster Street. The communication was received on the Consent Calendar and the disposal of surplus vehicles and equipment approved.

27 – COMMUNICATION – Request for Ad Hoc Committee – Request for Sidewalk Repairs, 73 North Street

Mrs. McMahon asked that this be referred to the Director of Public Works for a report back within thirty days. Mayor Boughton so ordered.

28 – COMMUNICATION – Request for Ad Hoc Committee – Tax Credit for Elderly Homeowners

Mrs. Teicholz asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Trombetta, Cutsumpas and Perkins to the committee.

29 – COMMUNICATION – Drainage Easement, 258 Great Plain Road

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

30 – COMMUNICATION – Parks and Playground Safety Materials

Letter from Director of Public Works William Buckley requesting permission to accept a donation of 500 Children's safety coloring books, 10 sets of training manuals and safety video tapes and 2 sets of head and torso probes for playground inspections for school and other City personnel who supervise and maintain playgrounds. These materials are valued at \$4,260.00.

Mr. Cutsumpas made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

31 – COMMUNICATION – Proposal for Outside Dining – 278 Main Street

Mr. Trombetta asked that this be referred to the Corporation Counsel, the Zoning Enforcement Officer, Director of Public Works and CityCenter for reports back in thirty days. Mayor Boughton so ordered.

32 – COMMUNICATION – Miry Brook Road and Stabile Drive

Mr. Nagarsheth asked that this be referred to the Planning Commission for a report back within thirty days. Mayor Boughton so ordered.

33 – COMMUNICATION – Off-Site Directional Sign on City Right-of-Way

Mrs. McMahon asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works, the Traffic Engineer and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Basso, Diggs and Visconti to the committee.

34 – REPORT & RESOLUTION – Neighborhood Assistance Act

Mr. Cavo submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on May 22, 2006.

Mrs. Basso made a motion to recommend adoption of the resolution. Seconded by Mrs. Teicholz. Motion carried unanimously.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Neighborhood Assistance Act Program is available for area non-profits to submit applications for funding; and

WHEREAS, the Act provides tax credits for businesses which contribute to community programs having received both municipal and state approval; and

WHEREAS, certain local and area organizations are seeking to apply through Danbury for such tax credits; and

WHEREAS, no local matching funds are required; and

WHEREAS, said organizations and their requests are as set forth on the attached schedule.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury through its Common Council, hereby approves, subject to a public hearing as required by law, those organizations set forth in the schedule, for participation in the Neighborhood Assistance Program, and authorize Mark D. Boughton, Mayor of the City of Danbury to take such actions as may be necessary for the accomplishment of the purposes hereof.

The report was received on the Consent Calendar and the recommendation of the committee to adopt the resolution concerning the Neighborhood Assistance Act approved.

35 – REPORT & ORDINANCE – Absentee Landlords

Mr. Cutsumpas submitted the following report:

The Common Council Committee appointed to review the request for an absentee landlord ordinance met on May 24, 2006 at 7:00 P.M. In attendance were committee members Cutsumpas and Rotello. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of the Permit Center Sean Hearty and Council Members McMahon, Taborsak, Perkins, Johnson, Stanley, Basso and Teicholz, ex-officio.

State Statutes gives municipalities the ability to impose penalties on landlords who do not file their addresses. Mr. Hearty said that the statute is great for the City to track down landlords who live out of town. This will require them to file with the Tax Assessor and would be a great help. Attorney Pinter stated that in 2006 the Legislature adopted this revision to the existing statute and permits municipalities to establish a penalty for absentee landlords who do not file the addresses where they live. This will give the Permit Center the additional teeth it needs to find these persons. The ability to require the filing of addresses and any service at that address will allow a criminal suit. The first fine could be up to \$250.00 and the second is \$1,000. He will draft an ordinance to mirror the statute for Danbury and leave it to the Tax Assessor or any other office the Council designates.

Mr. Rotello asked if the City has flexibility in drafting the ordinance. Attorney Pinter said there is flexibility in naming the filing office and the amount of the fine. Mr. Rotello said he is concerned about the 21-day period. He would like to see it extended to ninety days. Attorney Pinter said that couldn't be changed because it is specifically noted in the statute.

Mr. Cutsumpas asked when it would be decided to impose the \$1,000 fine and how would this be done in the ordinance? Attorney Pinter said he would research what the specific cases might be when you have a repeat violator. Mr. Cutsumpas said the departments should have flexibility. Mr. Hearty said when he comes across a violation, he will be able to include in his letter that this ordinance exists. It is his opinion that since the Tax Assessor is now charged with address changes, it should remain in that office and leave it to him to impose the fine.

Mr. Cutsumpas asked if the City's notification obligation would be fulfilled when the ordinance is published? Attorney Pinter said the ordinance is published and, as a result, the City will notify as many people as publication allows.

Mr. Rotello made a motion to recommend that the ordinance be submitted in accordance with State Statute, designating the tax assessor as the depository, including telephone numbers. Seconded by Mr. Cutsumpas. Motion carried unanimously.

Mr. Johnson asked that the report be received and the ordinance be deferred to public hearing. Mayor Boughton so ordered.

36 – REPORT & ORDINANCE – Amendment to Noise Ordinance

Mr. Cavo submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on May 22, 2006.

Mr. Saadi made a motion to recommend adoption of the amendment to the Noise Ordinance. Seconded by Ms. Saracino.

Mr. Visconti asked if there is anything relating to sanitation vehicles operating in the early morning hours? Attorney Pinter said there is a general prohibition, but nothing relating to these trucks. Mr. Visconti asked about noise in the Rogers Park area. Attorney Pinter said this is covered in general prohibition language. Mr. Perkins asked about noise in the early morning hours. Attorney Pinter said the general prohibition is divided as to hours of the day and night and weekends. It may be controlled for a limited duration.

Mr. Rotello asked if there is anything the City could do to regulate Metro North diesel engines running all night. Attorney Pinter said there is nothing in this ordinance and the City does not have the clout to regulate them. It would need additional state legislation.

Mr. Chianese asked about enforcement. Is there equipment to measure decibels? Chief Baker said the decibel meter is twenty years old. One was donated. He would have to purchase new meters and train additional officers. Chief Baker said there is a way to enforce the ordinance, it just is not practical.

Ms. Stanley asked about truck idling. Does this mean trucks can't idle even if they are doing business? Attorney Pinter said this is an enforcement issue. It is a State regulation. Commercial enterprises have the right to do their work.

Motion carried unanimously.

The report was received on the Consent Calendar and the recommendation of the committee to amend the Noise Ordinance approved.

37 – REPORT – Request to Review Kennedy Place

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review Kennedy Place met on May 22, 2006 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo and Saracino. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley, Director of Planning Dennis Elpern, Assistant City Engineer Patricia Ellsworth, Attorney Paul Jaber, Dan Bertram and Rich Howard representing BRT and Council Members Rotello, Riley, Stanley, Chianese and Cutsumpas, ex-officio.

Mr. Jaber stated that BRT purchased the Amphenol site, which was a redevelopment site in the sixties. Some restrictions were imposed such as setbacks, etc. Certain concessions and easements are needed. Mr. Elpern prepared a detailed report summarizing these issues. Mr. Elpern said he had no problem as long as proper reviews are required. He stated that item 1 seeks the elimination of a 10-foot wide setback as set forth in the redevelopment deed and as shown on the original redevelopment maps. Mr. Elpern stated that it appears the deed restriction predates the current C-CBD zoning designation of the site. He stated that since the existing zoning designation is less restrictive than the deed, the Planning Department has no

objection to the Council releasing the encumbrance. The Public Works Department also had no objection.

Item 11 speaks to a possible foundation encroachment onto City property. Mr. Elpern's report stated that the site plans approved by the Planning Commission did not include detailed building plans for the proposed structures. Such detailed plans, including foundation drawings, are commonly provided as part of the building permit review process. Since building plans for structures and foundations have not been submitted, it is not possible at this time to determine if there is an encroachment onto public property. The Planning Department recommends that the Common Council advise the applicant to proceed to design such building plans absent the need for approvals of an encroachment onto City property. If, after the buildings are designed, there is no alternative for such design that would relieve the encroachment, the applicant can reapply to the Common Council for such consideration. The report stated that, at this time, this request appears premature.

Mr. Bertram discussed the encroachment onto City property. The things they are asking for just make the job a little better. Mr. Elpern stated that the City does not yet know what kind of encroachment BRT is talking about. Mr. Bertram said the encroachment would be about five feet. Mr. Elpern said BRT should come back to the Common Council when they have the necessary plans or the Council could delegate oversight to the Engineering Department. Mr. Buckley said that when the Common Council acts on an easement they would want to see an A2 survey map showing the encroachment prior to beginning any work. Mr. Buckley said he would prefer not to have oversight and that it should come back to the Common Council. Mr. Buckley asked Mr. Bertram why he couldn't stay on his own property? Mr. Bertram said he could, it just isn't as clean.

Ms. Saracino made a motion to recommend approval of items one through ten as outlined in the Planning Department report; and to require that the developer submit a site plan regarding item 11 before final approval. Seconded by Mr. Cavo. Motion carried unanimously.

Mrs. Teicholz made a motion to receive the report and approve the committee's recommendations. Seconded by Ms. Saracino.

Mr. Rotello asked if there is a 100% build out in this new CCBD zone. Mr. Elpern said there are no setbacks with the exception that if it is over 75 feet they must have 25 feet side and back. Ms. Taborsak asked if there would still be access to the Still River culvert. Mr. Elpern said that the parking lot would remain the same for that use. Access will be the same as it is now.

Ms. Taborsak asked if the Common Council could remove a deed restriction? Attorney Gottschalk said the Common Council does have that authority. Mr. Saadi asked who would own the wall? Mr. Buckley said the developer would maintain it. Mr. Saadi stated that he is concerned that the City would end up maintaining it. Attorney Gottschalk said it would be formalized in an easement.

Motion carried with Council Members Visconti, Saadi and Taborsak voting in the negative.

38 – REPORT – Duck Pin Bowling Lease

Mrs. Stanley submitted the following report:

The Common Council Committee appointed to review the Duck Pin Bowling Lease met on May 23, 2006 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Stanley, Diggs and Saadi. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director

of Recreation Craig Renda and Council Members Saracino, Basso and Teicholz, ex-officio.

Mr. Renda said the lease has been the same for the past six years. Attorney Gottschalk said it goes back longer than that, but this immediate past lease was for five years and this lease is for another five years with an option to renew. He said the agreement is the same. The rental payments go up incrementally at \$50 per year, payable for a portion of the year. The option to renew will need more definition. There is a new provision dealing with signage. Paragraph 5 is due to a conflict with a vendor that came before the Common Council last year and the concern is safety. There is an expanded provision in paragraph 15 regarding subleasing of the property. There is also a new provision dealing with extended absences and an increase in the security deposit to conform to the level of rental payments in the lease.

Mrs. Stanley asked about a hold harmless clause. Attorney Gottschalk said he has no objections to adding this clause and agreed that it should be added. Mr. Saadi asked Attorney Gottschalk if he has suitable language for paragraph 2 and for paragraph 23 regarding the hold harmless provision? Attorney Gottschalk said he has language he can draw on when the committee decides the terms.

Mr. Saadi made a motion to recommend approval of the rental agreement with two additions; the option to renew in paragraph two shall be for a five-year term and that a hold harmless provision be inserted into paragraph 23. Seconded by Ms. Diggs. Motion carried unanimously.

The report was received on the Consent Calendar and the Duck Pin Bowling Lease as recommended by the committee approved.

39 – REPORT – Wireless Edge Lease

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review the Wireless Edge Lease met on May 23, 2006 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saracino, Stanley and Perkins. Also in attendance were Superintendent of Public Utilities David Day, Deputy Corporation Counsel Eric Gottschalk and Council Members Basso and Teicholz, ex-officio.

Ms. Saracino noted the negative recommendation of the Planning Commission because it seems like a cell tower is going to be put in a residential neighborhood. When a negative recommendation is received from the Planning Commission, a two-thirds vote of the Common Council is required to override it.

Mr. Day stated that Wireless is proposing to put a cell tower on City property and water company property. This would not be allowed on Class one or two property. Class three property would be feasible for construction of this type. Ms. Saracino described the property and asked if there were any chance of developing land around the property site. Mr. Day said there is no chance that this property would be developed.

Attorney Gottschalk outlined requirements that must be met by Wireless such as a security fence and landscaping, limitation of gross floor area on any structure such as generators or utility boxes. Mrs. Stanley asked if there would be any effect on the environment? Mr. Day said there would be no effect.

Mrs. Stanley made a motion to recommend approval of the Wireless Edge Lease. Seconded by Mr. Perkins. Mrs. Stanley stated that she wants to make sure that all government requirements are complied with. Attorney

Gottschalk stated that failure to obtain government approvals terminates the lease. Motion carried unanimously.

Mrs. Stanley made a motion to receive the report and approve the lease. Seconded by Mrs. Basso.

Mr. Rotello asked the height of the tower and how close it will be to other structures. Mr. Buckley said the tower would be 150 feet high and 250 feet away from other structures.

Mr. Johnson and Mr. Nagarsheth recused themselves and left the dais.

Mr. Chianese asked why there was a negative recommendation from the Planning Commission. Mr. Elpern was it is an RA40 single-family zone with some commercial development. Mr. Chianese asked if there are buildable lots. Mr. Elpern said it is open space.

Motion carried with Mr. Visconti, Mr. Chianese, Mr. Saadi and Ms. Taborsak voting no and Mr. Nagarsheth and Mr. Johnson abstaining.

40 – REPORT – Proposed Lot Line Revision – Southern Boulevard and Brushy Hill Road

Mr. Seabury submitted the following report:

The committee to review the Proposed Lot Line Revision between GRC Property Investment and Development, LLC. And the City of Danbury Southern Boulevard and Brushy Hill Road met on May 10, 2006 in the third floor conference room. Those present were committee members Fred Visconti, Ted Cutsumpas and Gregg Seabury, Chairman. Also in attendance were Common Council Members Mary Teicholz, Colleen Stanley. Further in attendance were Dennis Elpern, from the Planning and Zoning Department, Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Attorney Paul Jaber representing GRC and Gary Michael who was the petitioner.

Chairman Seabury asked Mr. Elpern to give an overview of the project, which included the exchange of property currently owned by GRC, which abuts the Tarrywile Park for property to be given by the park. In return, GRC has agreed to install water and sewer lines approximately one third of the distance to the castle located at Tarrywile. GRC also agreed to redesign the intersection between Brush Hill and Southern Boulevard of the road and have it become a "T" intersection, which would alleviate traffic problems in the future. Mr. Seabury ask Mr. Gottschalk what legal measures needed to be done in order for this to take place and was advised that the property in question would need to be designated as surplus property which is the responsibility of the Common Council as whole.

Councilman Visconti questioned if there would be other developers who in the future would come before the Council with other potential development projects. Attorney Jaber suggested that this would be unlikely, as there would have to be a need for City water and sewer at other locations and that simply wouldn't be possible.

Mr. Cutsumpas made a motion to request that the Council as a whole declare the property as "surplus" and to have the council recommend the approval of the Proposed Lot Lone Revision between GRC Property Investment and Development, LLC. And the City of Danbury subject to the conditions presented by the Planning Commission, which are as follows:

1. The land swap would be contingent upon application by GRC and approval by the Planning Commission for a cluster development under Section 4.A.6 of the Zoning Regulations. The resulting 5.195 acres of RA-20 land would accommodate no more than nine lots. Given the

steep slopes on part of the land, a cluster development is preferred to a straight subdivision.

2. As a condition of the land swap and approval of the cluster application, GRC would (1) improve the intersection of Brushy Hill and Southern Boulevard, (2) provide utility easement through their property to Tarrywile Park, and (3) construct a sidewalk from Cannondale Drive to Deer Hill Avenue (assuming sufficient right-of-way is available), all subject to subsequent approval by the City.
3. GRC would seek a variance from the ZBA to deed about 2.5 acres of land back to the City for expansion of Tarrywile Park, to include the 1.455 acres initially given by the City to GRC as part of the swap plus about one additional acre. If the variance was not approved, GRC would create a conservation easement on the land.

If the cluster were not approved however, the applicant would agree to a City restriction of only one dwelling on the 1.455 acres of former City land.

Mrs. Teicholz made a motion to receive the report and adopt the committee's recommendation. Seconded by Mrs. Stanley. Mr. Saadi pointed out that there was not a second to the motion in this report and there was no vote tally. Mr. Seabury stated that Mr. Visconti seconded the motion and the vote was unanimous.

Mr. Saadi asked the position of the Tarrywile Park Authority. Mr. Elpern said the Authority is in favor of receiving land but takes no position on land development. Gerald Daly, Chairman of the Tarrywile Park Authority concurred stating that they accept additional land but it is not their position to be pro or con on development.

Motion carried with Ms. Taborsak voting in the negative.

41 – REPORT – Final Assessments – Backus Avenue Sanitary Sewer – WITHDRAWN

42 – REPORT – Request for Sewer and Water Extensions – 12 Clapboard Ridge Road

Mr. Cutsumpas submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on 12 Clapboard Ridge met on May 22, 2006 at 5:50 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cutsumpas, McMahon and Rotello. Also in attendance were Director of Public Works William Buckley and Council Members Cavo, Riley, Stanley and Teicholz, ex-officio.

Mr. Buckley stated that he review a set of plans in February and told the petitioner that he needed to request an eighteen-month extension of time. It had previously been approved in 2003 and 2005. He supports the request.

Mrs. McMahon made a motion to recommend that the request for an eighteen-month extension of time for sewer and water extensions at 12 Clapboard Ridge Road. Seconded by Mr. Rotello. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation for an eighteen-month extension for sewer and water extensions at 12 Clapboard Ridge Road approved.

43 – REPORT – Request for Sewer and Water Extensions – 1 Kennedy Place

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 1 Kennedy Place met on May 22, 2006 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo and Riley. Also in attendance were Director of Public Works William Buckley, Assistant City Engineer Pat Ellsworth, Attorney Paul Jaber, Dan Bertram and Rich Howard representing BRT and Council Members Basso, McMahon and Stanley, ex-officio.

Mr. Cavo noted the positive recommendation from the Planning Commission.

Mr. Buckley stated that he has had numerous meetings with the petitioner regarding the best way to provide sewer and water to this site. Based on those discussions, he would recommend approval of both extensions subject to the required eight steps, including a ninth step to allow for phase-in of the project, as well as a tenth step pertaining to existing and proposed extensions on the site allowing the City to approve the method of encapsulation of any contaminated soil over the top of those pipes and easements.

Mr. Riley made a motion to recommend approval of the sewer and water extensions subject to the required eight steps, with a ninth step allowing phase-in of the project, and a tenth step pertaining to existing and proposed extensions on the site allowing the City to approve the method of encapsulation of any contaminated soil over the top of those pipes and easements. Seconded by Mr. Cavo. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation for approval of sewer and water extensions at 1 Kennedy Place approved.

44 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Public Works, Health & Housing, Recreation, Department of Elderly Services, Dream Homes, Welfare & Social Services.

Mr. Cavo made a motion to receive the department report and waive the reading as all members have copies. Seconded by Mr. Nagarsheth. Motion carried unanimously.

45 – COMMUNICATION – Appointment to the Conservation Commission. Mr. Cavo made a motion to add this item to the agenda. Seconded by Mrs. Diggs. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of the appointment of Matthew A. de Rooy to the Conservation Commission for a term to expire July 1, 2008. Mr. Seabury made a motion that the communication be received and the appointment confirmed. Seconded by Mrs. Basso. Motion carried unanimously.

46 – COMMUNICATION – Appointment as Alternates to the Fair Rent Commission. Mr. Cavo made a motion to add this item to the agenda. Seconded by Mrs. Basso. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of the appointment of George L. Johnson and Larry Jansons as Alternates to the Fair Rent Commission for terms to expire July 1, 2008. Ms. Saracino made a motion to receive the communication and confirm the appointments. Seconded by Mr. Chianese. Motion carried unanimously.

47 – COMMUNICATION – Appointment to the Parks and Recreation Commission

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

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Gary A. Falkenthal to the Parks and Recreation Commission for a term to expire July 1, 2008. Mrs. Teicholz made a motion to receive the communication and confirm the appointment. Seconded by Mr. Johnson. Motion carried unanimously.

48 – COMMUNICATION – Appointment as Assistant Corporation Counsel

Mr. Cavo made a motion to add this item to the agenda. Seconded by Mr. Chianese. Motion carried unanimously.

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Eric Gottschalk to the position of Assistant Corporation Counsel effective July 1, 2006. Mrs. Stanley made a motion to receive the communication and confirm the appointment. Seconded by Mr. Seabury. Motion carried unanimously.

49 – COMMUNICATION – Westwood Village

Mr. Cavo made a motion to add this item to the agenda. Seconded by Mrs. Teicholz. Motion carried unanimously.

Letter from Mayor Boughton requesting the appointment of an ad hoc committee to review the request of Westwood Village for a reduction in their water rates. Mrs. Basso asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works, the Director of Finance and the Superintendent of Public Utilities. Mayor Boughton so ordered and appointed Council Members Cutsumpas, Johnson and Perkins to the committee.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 9:20 P.M. by Mr. Cavo for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor