

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

Re: Minutes of the Common Council Meeting held August 1, 2006

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

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

ABSENT – Cutsumpas and Riley

19 PRESENT – 2 ABSENT

Mr. Cutsumpas and Mr. Riley are both out of the state for vacation.

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – Spoke on item 18. She believes this was before the Council several years ago. She is concerned about what will be stored there and that the person has been doing services for 10 years. She asked the council to be careful & cautious in considering this matter.

MINUTES – Minutes of the Common Council Meeting held July 5, 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:

5 – Receive the communication and confirm the appointment of Sylvan J Gleissner to the Conservation Commission with a term to expire July 1, 2009.

8 - Receive the communication and authorize Mayor Mark D. Boughton to execute both license agreements as recommended by Corporation Counsel.

20- Receive the communication and approve the resolution authorizing the City of Danbury Emergency Management Director to apply for and accept funding from the State of Connecticut Department of Emergency Management and Homeland Security.

21- Receive the communication and approve the resolution authorizing the City of Danbury Health, Housing and Welfare Department to accept additional funding for the Public Health Preparedness and Response Planning grant.

22- Receive the report and approve the committee recommendation to adopt the final assessments for the Backus Avenue Sanitary Sewer Project and adopt the resolution.

23- Receive the reports from Corporation Counsel and the Coordinator of the Permit Center and take no action at this time.

24- Receive the reports from Corporation Counsel, City Engineer and the Planning Commission and adopt the Drainage Easement at 258 Great Plain Road.

25 - Receive the communication and follow the recommendations of Corporation Counsel as described within the report.

26 - Receive the report and adopt the committee recommendation to approve the request for water extension at 228 Middle River Road subject to the required eight steps

27 - Receive the report and approve the committee recommendation to continue at the call of the Chair.

Mr. Cavo made a motion to accept the Consent Calendar as read. Seconded by Mr. Chianese. Motion carried unanimously.

1 - COMMUNICATION - Appointment of City Engineer.

Letter from Mayor Boughton requesting confirmation of Farid L. Khouri to the position of City Engineer. Mr. Johnson made a motion to receive the communication and confirm the appointment. Seconded by Mr. Tombetta. Motion carried unanimously.

2 - COMMUNICATION - Appointment of Assistant Corporation Counsel

Letter from Mayor Boughton requesting confirmation of Dianne E. Rosemark to the position of Assistant Corporation Counsel. Mr. Cavo made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

3 - COMMUNICATION - Appointment of Deputy Corporation Counsel

Letter from Mayor Boughton requesting confirmation of Laszlo L. Pinter to the position of Deputy Corporation Counsel. Mr. Calandrino made a motion to receive the communication and confirm the appointment. Seconded by Mr. Saadi. Motion carried unanimously.

4 - COMMUNICATION - Appointment of Library Director

Letter from Mayor Boughton requesting confirmation of Mark P. Hasskarl to the position of Library Director for the Danbury Public Library. Mr. Seabury made a motion to receive the communication and confirm the appointment. Seconded by Ms. Taborsak. Motion carried unanimously.

5 - COMMUNICATION - Appointment to the Conservation Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Sylvan J Gleissner to the Conservation Commission with a term to expire July 1, 2009. The communication was received on the Consent Calendar and the appointment confirmed.

6- COMMUNICATION - Appointments to the Police Department

Letter from Mayor Boughton requesting confirmation of Philip Cervone to the position of Police Officer. Ms. Saracino made a motion to receive the communication and confirm the appointment. Seconded by Mr. Seabury. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of Steven Castovinici to the position of Police Officer. Ms. Saracino made a motion to receive the communication and confirm the appointment. Seconded by Mr. Seabury. Motion carried unanimously.

Letter from Mayor Boughton requesting confirmation of Dayleth Scantiling and John Dickinson to the position of Police Officer. Ms. Saracino made a motion to receive the communication and confirm the appointments. Seconded by Mr. Johnson. Motion carried unanimously.

7 - COMMUNICATION - Farioly Funds

Memorandum from Dena Diorio, Director of Finance and Personnel requesting approval for use of Farioly Funds to purchase holiday lighting and decorations for the library plaza. Mr. Nagarsheth made a motion to receive the communication and authorize the use of Farioly funds. Seconded by Ms. Saracino. Motion carried with Ms. Taborsak voting no.

8 - COMMUNICATION - License Agreement of Library Place Parking Garage

Receive the communication and authorize Mayor Mark D. Boughton to execute both license agreements as recommended by Corporation Counsel. The communication was received on the Consent Calendar and Mayor Boughton was authorized to execute both license agreements.

9 - COMMUNICATION - Donations to the Fire Department

Letter from Fire Chief Pete Siecienski requesting permission to accept the donation of a 27-inch flat panel TV and Sony DVD/VCR player from Best Buy Corporation and a Universal weight machine Model True 500 HG for use in Station 25 from The Gardens at Glen Hill. Ms. McMahon made a motion to receive the communication, accept the donation and send the appropriate letters of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

10 - COMMUNICATION - Donations to the Library

Letter from Diane Greenwald, Interim Library Director requesting permission to accept a \$25.00 donation from Mrs. Mary West and a \$7,500.00 donation from Praxair. Ms. Diggs made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

11 - COMMUNICATION - Donations to the Department of Elderly Services

Letter from Susan M. Tomanio, Director of Elderly Services, requesting permission to accept donations for performances by both The Cellmates and the Senior Center Chorus as follows: \$100.00 from Jennie DeFabio; \$50.00 from Senior Care Centers of CT; \$25.00 from New Milford Senior Center; \$75.00 from River Glen Health Care; \$25.00 From Candlewood Valley; \$50.00 from Bethel Health & Rehab; \$25.00 from The Gardens; and \$25.00 from Danbury Health Care. 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. Nagarsheth. Motion carried unanimously

12 - COMMUNICATION - Request for Sewer Extension - 25 Mill Plain Road

Mr. Trombetta asked that this be referred to an ad hoc committee, the Corporation Counsel, the City Engineer and a 30-day report from the Planning Commission. Mayor Boughton so ordered and appointed Council Members Calandrino, Riley and Esposito to the committee.

13 - COMMUNICATION - Request for Sewer Extension - 176 Shelter Rock Road

Mr. Seabury asked that this be referred to an ad hoc committee, the Corporation Counsel, the City Engineer and a 30-day report from the Planning Commission. Mayor Boughton so ordered and appointed Council Members Calandrino, Riley and Esposito to the committee.

14 - COMMUNICATION - Request for Water Extension - Casper Street

Ms. McMahon asked that this be referred to an ad hoc committee, the Corporation Counsel, the City Engineer and a 30-day report from the Planning Commission. Mayor Boughton so ordered and appointed Council Members Calandrino, Riley and Esposito to the committee.

15 - COMMUNICATION - Request for Sewer and Water Extension - 62 Chestnut Street

Letter from Attorney Francis Collins asking for an extension of the Council's previous approval for sewer and water for 62 Chestnut Street, Inc., granted on December 7, 2004. Mr. Nagarsheth made a motion to receive the communication and approve an 18-month extension on this request. Seconded by Mr. Cavo. Motion carried with Mr. Visconti abstaining.

16 - COMMUNICATION - Request for Ad- Hoc Committee - Sex Offender Ordinance

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

17 - COMMUNICATION - Year End Budget Adjustment - Highway Dept.

Request from Dena Diorio, Director of Finance and Personnel, for Council approval for year-end budget adjustments for the revenue and expense budgets for Highway State Aid. Ms. Teicholz made a motion to receive the communication and approve the increase in Revenue Account 1000.4501 for \$67,373 and Expenditure Account 3002.5630 for \$67,373. Seconded by Mr. Chianese. Motion carried unanimously

18 - COMMUNICATION - Request for Ad-Hoc Committee - Tarrywile Park - Land Exchange

Ms. Teicholz asked that this be referred to an ad hoc committee, the Corporation Counsel, Director of Health, Housing and Welfare and a representative from the Tarrywile Park Authority. Mayor Boughton so ordered and appointed Council Members Saracino, Seabury and Rotello to the committee.

19 - RESOLUTION - FEMA Fire Grant

Ms. Stanley asked that this be referred to an ad hoc committee, the Director of Finance and Personnel and the Fire Chief. Mayor Boughton so ordered and appointed Council Members Trombetta, Nagarsheth and Visconti.

20 - RESOLUTION - Emergency Management Performance Grant (EMPG) Funding

Whereas the City of Danbury's Emergency Management Director is eligible to apply for Emergency Management Performance Grant funding through the State of Connecticut Department of Emergency Management and Homeland Security in the amount of \$54,850;

Whereas the time period covering this funding is October 1, 2006 through September 30, 2007 and requires no local match; and

Whereas the purpose of this grant is to increase The City of Danbury's operational capability through funding of personnel and administrative expenses as they relate to emergency management.

Now, therefore, be it resolved that Mayor Mark D. Boughton, or his designee, Peter J. Siecienski, Emergency Management Director, is authorized to apply for said funding from the State of Connecticut, Department of Emergency Management and Homeland Security, and take all necessary actions in order to accomplish the purposes thereof.

The communication was received on the Consent Calendar and the Emergency Management Director was authorized to apply for and accept funding.

21 - RESOLUTION - Bioterrorism Response Preparedness Amendment

Whereas the State of Connecticut, Department of Public Health has made available additional funding for the Public Health Preparedness and Response Planning grant covering August 31, 2005 through August 30, 2007;

Whereas the additional amount of \$18,000 increases the original two-year contract from \$169,400 to \$187,400 and represents funds which are to be spent exclusively for the purposes of Pandemic Influenza Planning and requires no local match; and

Whereas the Danbury Health, Housing and Welfare Department will provide this planning in accordance with Federal and State of Connecticut Department of Public Health directives.

Now, therefore, be it resolved that Mark D. Boughton, Mayor of the City of Danbury, or Scott LeRoy, Director of Health, Housing and Welfare, as his designee, is authorized to accept this additional funding and execute on behalf of the City of Danbury all contracts, agreements or amendments and to take all actions necessary to accomplish the purposes of this additional funding.

The communication was received on the Consent Calendar and the Director of Health, Housing and Welfare was authorized to apply for and accept funding.

22 - REPORT & RESOLUTION - Backus Avenue Sewer - Final Assessment

WHEREAS, the City of Danbury caused a sewer line to be installed known as the Backus Avenue sanitary sewer project; 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 Section 7-253 authorizes the installment payment of assessments levied as the result of benefits derived from the installation of sewerage 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 October 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 sewer benefit assessments in connection with the Backus Avenue sanitary sewer project:

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 One Thousand Five Hundred & 00/100 (\$1,500.00) Dollars.
3. The interest on any deferred payments hereunder shall be due at a rate per annum of 4.27%. 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 shall have been filed in the Town Clerk's Office on August 7, 2006. An appeal to the superior court from such assessment must be taken with twenty-one (21) days of such filing.

The following 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 sewer and appurtenances in the Backus Avenue sanitary sewer 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 sewage 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 sewage 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 June 6, 2006, in the name of _____, and the same becomes due on October 1, 2006 and may be paid in annual installment payments of \$_____ each plus interest at the rate of _____ percent on the unpaid balance and continuing to _____.

This certificate is filed pursuant to Section 7-249 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

The report was received on the Consent Calendar and the resolution regarding the final assessments for the Backus Avenue Sewer extension was adopted.

23 - REPORT - Danbury Code of Ordinance Section 11-2 (b) (c)

Receive the reports from Corporation Counsel and the Coordinator of the Permit Center and take no action at this time.

24 - REPORT - Drainage Easement - 258 Great Plain Road

The reports from Corporation Counsel, City Engineer and the Planning Commission were received on the Consent Calendar and the recommendation to adopt the Drainage Easement at 258 Great Plain Road was approved.

25 - REPORT - Total Landscaping and Tree Service

The communication was received on the Consent Calendar and the recommendations of Corporation Counsel as described within the report are accepted.

26 - AD HOC REPORT - Water Extension - 228 Middle River Road

The committee was called to order at 6:32 p.m. by Chairman Mary Teicholz on July 18, 2006. In attendance were councilman Ben Chianese, councilwoman Jane Diggs, Farid Khouri, City Engineer, from Engineering, George Trudell from KASL, the petitioner, and a member of the public. There is a positive recommendation from the planning commission and a positive referral for the extension from Dennis Elpern. There is a 12-inch pipe in Middle River Road and the petitioner needs to extend the water line past the half-way mark of his property line & must follow the 8 steps. The Engineering review looks favorable. Mr. Chianese made the motion to approve the application subject to the 8 steps of approval. Seconded by Ms. Diggs. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendations of the Committee approved.

27 - AD HOC REPORT - Audit Committee

Mike Calandrino, Chairman, called the meeting to order at 10:00 a.m. on July 11, 2006. In attendance were Council member Mary Saracino, Dena Diorio, Finance Director, and Scott Bassett from the auditing firm of McGladrey & Pullen. The purpose of meeting is to discuss the upcoming audit – any issues or questions the committee may have. Scott Bassett then outlined the purpose of the meeting. This meeting is called prior to the beginning any substantial fieldwork in any audit with the audit committee. As you know, audit committees are someone we look to in case a problem occurs or something that we need to bring to your attention during the course of the audit. This year's audit is pretty standard. Discussion followed on a few issues brought up by Mike Calandrino. (1) Board of Education "nickel & dime" monies from bake sales, etc.; (2) is there enough money in the water and sewer areas? (3) litigation; and (4) bond issues. Scott asked "Do you know of any fraud or irregularities that took place within the City that would be material to the financial statements?" No one knew of anything. Mary Saracino made a Motion to continue. 2nd by Mike Calandrino. Motion passed.

The report was received on the Consent Calendar and the recommendations of the Committee approved.

28 - DEPARTMENT REPORTS - Police, Fire, Fire Marshall, Health & Housing, Recreation, Elderly Services, Public Buildings, Engineering, Welfare & Social Services, Public Utilities, Permit Center, U.N.I.T., Dream Homes

Mr. Cavo made a motion to accept the department reports as submitted and waive the reading as all members have copies and copies are on file in the Office of the City Clerk. Seconded by Mr. Nagarsheth. Discussion followed with comments from Mrs. Basso, Ms. Taborsak, Mr. Chianese, Mr. Perkins and Mr. Esposito. Having no further discussion Mayor Boughton moved the vote. Motion carried unanimously.

Mr. Saadi made a motion to add an additional item to the agenda: *Grant Agency Review Board Ad Hoc*. Copies were passed out to the Council and Asst. Clerk. Seconded by Ms. Taborsak. Mayor Boughton called for any discussion on adding this item to the agenda. Seeing none, Mayor called the vote. Motion to add an item failed 12-7.

There being no further business to come before the Common Council a motion was made at 8:19 P.M. by Mr. Seabury for the meeting to be adjourned.

Respectfully submitted,

ROBIN A. SHEPARD, Assistant Clerk

ATTEST:

MARK D. BOUGHTON, Mayor