



13

**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**ENGINEERING DEPARTMENT**  
**(203) 797-4641**  
**FAX (203) 796-1586**

**FARID L. KHOURI, P.E.**  
**CITY ENGINEER**

January 14, 2008

Honorable Mark D. Boughton  
Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Proposed Road Improvements  
Cannondale Drive  
Project No. 05-35

At the December 7, 2004 Common Council meeting, a petition for the acceptance of Cannondale Drive as a City street was received from property owners along Cannondale Drive. A mail survey was conducted by our office and a public hearing was held by the Common Council on January 9, 2006. At the February 7, 2006 Common Council meeting, our department was authorized to proceed with the design and construction work required to bring Cannondale Drive to a condition suitable for acceptance by the City.

The Engineering Department subsequently hired a consulting engineer to design the improvement project. As the improvement design progressed, it became evident that the project cost would likely be greater than originally anticipated. Affected property owners were notified of the projected increase in the project cost in June 28, 2007 mail resurvey letters sent out by this office. A July 31, 2007 letter report (generally positive responses) was sent to the Mayor and Councilmen Mary Saracino and Fred Visconti (copy of letter attached for your reference). Design work continued on the project.

Attached to a November 20, 2007 letter sent to Theodore Cutsumpas of the Mayor's Office from Attorney Gregg A. Brauneisen (copy enclosed) was a petition from property owners asking the City to abandon the Cannondale Drive Road Improvement Project. Our office then resurveyed property owners to verify that termination of the project was the request of the majority of abutting property owners. The survey results were:

6 votes for termination of the project	85.7%
1 vote to continue the project	14.3%

It should be noted that, to date, \$19,750.00 has been spent for survey and engineering on this project. If the project does not go forward, this amount will not be reimbursed to the City but

(13-1)

will be covered by the special account previously set up by the Common Council to fund assessment projects until a determination is made as to whether or not to proceed with projects. The existing assessment account has \$100,000 in funds. If this project does not go forward, the available funding will be reduced to \$80,250.00.

Another issue related to the proposed improvement and acceptance of Cannondale Drive needs to be resolved. At its November 1, 2005 meeting, the Common Council acted on a request by homeowners that the City maintain Cannondale Drive (a copy of item 24 of the November 1, 2005 meeting minutes is enclosed for your reference). The Common Council ad hoc committee recommended "that the City sand and plow Cannondale Drive until the road project is either accepted or rejected by the residents." If the project is now rejected by the Common Council, are we correct to assume that the City plowing and sanding of this road is to terminate?

At this time, we request that an ad hoc committee meeting be convened to determine 1) whether to continue with the road improvement project or to terminate the project based on the current overwhelming negative opinion of the neighborhood and 2) whether to continue to plow and sand this private road.

If you have any questions, please feel free to contact me.

Very truly yours,



Farid L. Khouri, P.E.  
City Engineer

C: Antonio Iadarola, P.E., with encl.  
Laszlo L. Pinter, Esq., with encl.  
David W. St. Hilaire, with encl.  
Duke Hart, with encl.



13-2

**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**ENGINEERING DEPARTMENT**  
**(203) 797-4641**  
**FAX (203) 796-1586**

**FARID L. KHOURI, P.E.**  
**CITY ENGINEER**

July 31, 2007

**MEMO TO:** Honorable Mark D. Boughton  
Mayor

Mary Saracino  
Common Council

Fred Visconti  
Common Council

**FROM:** Farid L. Khouri, P.E.  
City Engineer

**SUBJECT:** Cannondale Drive Reconstruction City Project No. 05-35

As design of the above noted project by the City's consulting engineer progressed, it was determined that the complexity of the reconstruction of Cannondale Drive resulted in an engineer's cost estimate for the project that was substantially greater than the cost estimate prepared by our office for the calculation of preliminary assessments and for the public hearing.

At the June 25, 2007 neighborhood meeting convened to discuss the technical and financial aspects of this project, our office was asked to resurvey benefiting property owners, after providing them with the revised assessment estimates.

The resurvey has been completed. Seven (7) properties would benefit from this project. Six (6) responses to the resurvey were received. The following is the breakdown of the resurvey results:

5 yes votes	71.4%
1 no vote	14.3%
1 no response	14.3%

At this time, we request that you provide us with direction as to whether or not to proceed with this project.

If you have any questions, please feel free to contact me.

Very truly yours,

Farid L. Khouri, P.E.  
City Engineer

C: Antonio Iadarola, P.E.

COLLINS, HANNAFIN, GARAMELLA, JABER & TUOZZOLO  
PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

13-3

148 DEER HILL AVENUE, POST OFFICE BOX 440, DANBURY, CONNECTICUT 06813-0440

FRANCIS J. COLLINS  
EDWARD J. HANNAFIN  
JACK D. GARAMELLA  
PAUL N. JABER  
JOHN J. TUOZZOLO\*  
ROBERT M. OPOTZNER  
E. O'MALLEY SMITH  
THOMAS W. BEECHER  
EVA M. DEFranco  
CHRISTOPHER K. LEONARD  
LAURA A. GOLDSTEIN  
GREGG A. BRAUNEISEN\*\*  
GAIL HAMATY MATTHEWS†  
BRYAN V. DOTO\*\*

TELEPHONE (203) 744-2150  
EXTENSION:  
FACSIMILE (203) 791-1126

RIDGEFIELD OFFICE:  
24 BAILEY AVENUE  
RIDGEFIELD, CONNECTICUT 06877  
TELEPHONE (203) 438-7403  
FACSIMILE (203) 438-7425

INTERNET ADDRESS:  
[HTTP://WWW.CHGJTLAW.COM](http://www.chgjtllaw.com)  
PLEASE RESPOND TO DANBURY OFFICE

\*OF COUNSEL

\*\*ALSO ADMITTED IN NEW YORK

†ALSO ADMITTED IN PENNSYLVANIA

November 20, 2007

**HAND DELIVERED**

Mr. Theodore Cutsumpas  
Mayor's Office  
Danbury City Hall  
155 Deer Hill Avenue  
Danbury, CT 06810

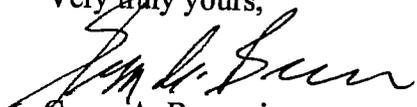
Re: Joel and Marjorie Brook Re: Cannondale Drive  
Our File No. 07-20130-1-H

Dear Ted:

Pursuant to our telephone conversation, please find attached the petition of the residents of Cannondale Drive seeking to abandon the proposed road improvement project. My clients appreciate all your efforts in helping to resolve this situation with the Danbury Common Council.

If you require anything further or need clarification on any issue, please do not hesitate to contact me.

Very truly yours,

  
Gregg A. Brauneisen

cc: Joel & Marjorie Brook

P E T I T I O N

13-4

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED (Note - see signatures of the petitioners on the attached seven pages)

Lorraine M. Herger  
Francis D. Paola  
45 Southern Blvd.

HAND DELIVERED

Barbara M. Ruggiero  
Salvatore A. Ruggiero  
1 Cannondale Drive

Denise R. Holl, Senior Warden  
St. James Episcopal Church  
2 Cannondale Drive

Jasmin Taveras  
3 Cannondale Drive

Joel E. Brook  
Marjorie A. Brook  
4 Cannondale Drive

Jose Sari  
Maria Sari  
5 Cannondale Drive

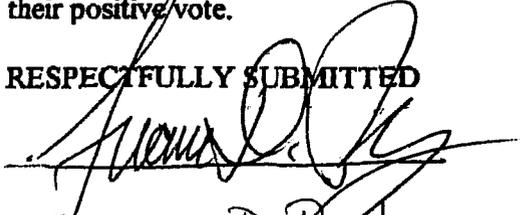
P E T I T I O N

13-5

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

 11-22-07  
date

Francis D. Paola  
45 Southern Blvd.

Danbury, CT

06810

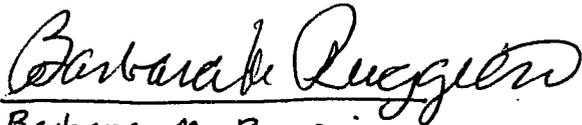
P E T I T I O N

13-6

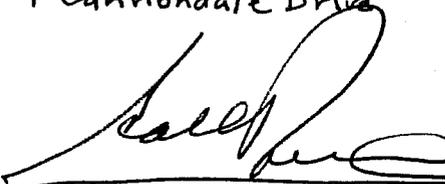
WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

 11/21/2007

Barbara M. Ruggiero  
1 Cannondale Drive

 11/21/2007

Salvatore A. Ruggiero  
1 Cannondale Drive

P E T I T I O N

13-7

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED



Denise Holl  
Senior Warden  
St. James Episcopal Church  
2 Cannondale Drive

11/21/2007

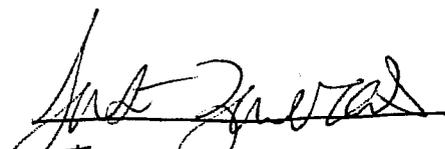
P E T I T I O N

13-8

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

 11/21/2007  
Jasmine Taveras  
3 Cannondale Drive

P E T I T I O N

13-9

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

Joel E. Brook Nov. 21, 2007  
Joel E. Brook  
4 Cannondale Drive

Marjorie A. Brook Nov. 21, 2007  
Marjorie A. Brook  
4 Cannondale Drive

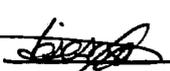
P E T I T I O N

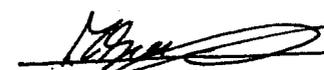
13-10

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

 11-21-07  
Jose Sari  
5 Cannondale Drive

 11-21-07  
Maria Sari  
5 Cannondale Drive

## P E T I T I O N

13-11

WE, the undersigned owners of property abutting Cannondale Drive, respectfully PETITION The Common Council of the City of Danbury to request that the Cannondale Drive Road Improvements Project # 05-35, and the plan of the City of Danbury to reconstruct Cannondale Drive, prior to its acceptance as a public roadway, be abandoned. The City's proposed plan for the reconstruction and reconfiguration of Cannondale Drive would result in excessive alteration of paved roadway dimensions, layout, and placement and would have an extremely detrimental impact upon the residents of properties abutting Cannondale Drive to continue to enjoy the use of their properties and the roadway. There are no immediate hazards or risks associated with the current use of Cannondale Drive, which residents of the abutting properties have been using since their houses were constructed subsequent to the filing of the subdivision map in 1965. Any proposed benefits of the City's proposed plan would be greatly outweighed by the injury to the currently enjoyed neighborhood lifestyle. The costs of the project are greater than any benefit to be derived.

IN ADDITION to the above, there are issues regarding the legal title to and boundaries of Cannondale Drive. Although ownership of Cannondale Drive is attributed to Cannondale Drive Associates, Inc., a corporation whose membership was to include the homeowners whose property abuts Cannondale Drive, such homeowners were never invited to join the corporation or even advised of its existence, with the exception of the two incorporator families who are no longer residents on the road. Conveyance of title to the road is questionable. The original petition signed by the petitioners in August 2004 is withdrawn since the current proposed plan is far different from the original concept and rights of way, easements, and the like will be required from the undersigned who are not willing to voluntarily grant them. Those among the undersigned who previously voted in favor of proposed road improvements under the June/July 2007 mail survey hereby rescind their positive vote.

RESPECTFULLY SUBMITTED

Lorraine M. Herge 11/21/07

Lorraine M. Herge  
45 Southern Blvd.  
Danbury, CT



13-12

24

# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

November 1, 2005

Mayor Mark D. Boughton  
Members of the Common Council

Re: **Request to Maintain Cannondale Drive**

The Common Council Committee appointed to review the request to maintain Cannondale Drive met on October 19, 2005. In attendance were committee members Saracino, Cutsumpas and Barry. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Joel and Marjorie Brook, Carolyn Flynn and Ed Lagarto from St. James Church and Council Member Fred Visconti, ex-officio.

Ms. Saracino read a report from the Director of Public Works dated September 24, 2004 outlining the terms and conditions to bring Cannondale Drive up to City standards to be accepted as a City road. Mr. Buckley stated that he was directed to add this project to the assessment list. From time to time the Common Council has authorized him to move a project to the top of the list and he would do that if so directed. This is a relatively small project assessment wise and the question is who would be assessed. There are seven properties with frontage on this cul-de-sac. Two properties have frontage on Southern Boulevard and one on Deer Hill Avenue. He believes that a minimum of four would be assessed but he would have to confer with Attorney Gottschalk to determine the number. There are some challenges to making this a public road. There is a retaining wall in the right-of-way. You would have to split the difference because you would be taking someone's front yard.

Mr. Buckley said it would take two years to get to this project if it is not moved to the top of the list. If there is a health hazard, the Health Department could require that it be moved. If it were to be moved, the work would not be done this winter. Mr. Barry asked if there are any roads on the project list that would be jeopardized from a safety standpoint if this road were moved to the top of the list? Mr. Buckley said that Wilkes Road is in worse shape.

Mr. Cutsumpas asked if the residents approve the project could it safely be plowed without the improvements being done? Mr. Buckley said he would not put a city truck on that road, but he would hire an outside contractor.

Mr. Barry made a motion to recommend that the City sand and plow Cannondale Road until the road project is either accepted or rejected by the residents; and additionally that the Common Council move this project to the top of the project list. Seconded by Mr. Cutsumpas. Motion carried unanimously.

Respectfully submitted,

\_\_\_\_\_  
MARY SARACINO, Chairman

\_\_\_\_\_  
TED CUTSUMPAS

\_\_\_\_\_  
KEVIN BARRY