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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

April 5, 2005

Mayor Mark D. Boughton
Members of the Common Council

Re: Caraway Drive

The Common Council Committee appointed to review the acceptance of Caraway Drive met on March 22, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Nagarsheth and Visconti. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Director of Planning Dennis Elpern, Council Members Diggs, Teicholz and Urice, ex-officio and residents of Caraway Drive.

Mr. Cavo asked Mr. Elpern for an overview. Mr. Elpern stated that in 1999 the Planning Commission approved a five-lot subdivision off Driftway Road. A bond was posted. The subdivision proceeded but the road and other improvements were not constructed as delineated on the plans. Mr. Buckley stated that a permit was issued to Construction Consultants LLC to build a road and a bond in the amount of \$117,500 was posted. There are four areas of deficiencies. The slope of the road exceeds what was approved; the slope of the cul-de-sac; drainage easement and catch basin construction in the easement as it heads towards West Lake and pre-existing utility easements to the Water Department to carry from Lake Kenosia to West Lake Reservoir and how those construction activities conflict with that easement.

Mr. Cavo asked if the City could accept this road and direct the Corporation Counsel to pursue legal action through one motion. Attorney Gottschalk suggested that the motion be to recommend that Caraway Drive be accepted as a City road and the Corporation Counsel be authorized to institute action against appropriate parties to recover sums necessary to complete the road. Mr. Visconti asked if the appropriate firm to sue would be Construction Consultants LLC. Attorney Gottschalk said that was correct.

Mr. Cavo asked Attorney Gottschalk for an explanation of what happened to the bond. Attorney Gottschalk stated that a letter of credit was

posted which had an expiration date of October 31st, eighteen months ago. After negotiations with the developers, the bond was renewed and a new letter of credit issued. It was agreed that we would try to resolve the outstanding issues. This was prior to the submission of plans showing the slope. The bond was renewed twice after that date and scheduled for the following June. Representations were made that the bond was going to be renewed, but in fact, was not and the City was left without a bond.

Mr. Cavo asked if there is a mechanism in place to prevent this from happening again? Mr. Elpern said no. Mr. Cavo asked how we could have a mechanism in place? Mr. Elpern said he is not sure. He said this is a rare occurrence.

Mr. Nagarsheth made a motion to recommend that the Common Council accept Caraway Drive as a City road and authorize the Corporation Counsel to take legal action against the appropriate parties to recover the sums necessary to complete the road. Seconded by Mr. Visconti. Motion carried unanimously.

Respectfully submitted,

JOSEPH CAVO, Chairman

SHAY NAGARSHETH

FRED VISCONTI