

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

RE: Minutes of the Common Council Meeting held February 5, 2002

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

PRESENT – Nolan, McAllister, Null, Kelly, Mazzuchelli, Buzaid, Machado, Scozzafava, Levy, John Esposito, Saadi, Williams, Basso, Darius, Furtado, Gogliettino, Moore, Neptune

ABSENT – Dean Esposito, Shuler, Gallagher

18 PRESENT – 3 ABSENT

Mr. Esposito was out of State

PUBLIC SPEAKING

Sam Hyman, 601 The Village Square – Spoke in favor of renaming Cherry Street to Rev. Aaron B. Samuels Boulevard

Joretta Kilcourse, 10 Lawncrest Road – In favor of the Board of Education Computer Lease

David Brandon, 113 Park Avenue – In favor of renaming Cherry Street to Rev. Aaron B. Samuels Boulevard
(At 7:35 P.M. Mr. Gallagher arrived and was marked present)

Donald Boughton, 11 Bullet Hill Road – Supports renaming Cherry Street to Aaron B. Samuels Boulevard

Lynn Waller, 83 Highland Avenue – supports fight against the Indians and would like to thank Comcast for its donation

Mary Lou Parkhurst, Orchard Street – in favor of neighborhood revitalization

(At 7:40 P.M. Mr. Shuler arrived and was marked present)

Alda Compasto, Hawthorne Cove – would like address to remain Brookfield

Michael Setaro, Hawthorne Cove – supports change from Brookfield to Danbury

Bill Glazier, Hawthorne Cove – the argument for address change is tearing the neighborhood apart. He would recommend that both post offices deliver the mail.

Sharon Bartley, 8 Hawthorne Cove Road – strong supporter of changing address to Danbury

MINUTES – Minutes of the Common Council Meeting held January 3, 2002. Mr. Levy made a motion to adopt the minutes as presented and waive the reading as all members have copies which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

CONSENT CALENDAR – John Esposito presented the following items for the Consent Calendar:

3 – Adopt the resolution to authorize the assignment of additional tax liens on the grand list of October 1, 1998, October 1, 1999 and October 1, 2000 to American Funding LLC in the amount of \$1,057,300.42

7 – Approve the appointment of Louise P. McMahon as a member of the Fair Rent Commission

- 11 – Approve appointment of Levi A. Newsome as a member of the Parks and Recreation Commission
- 19 – Approve the transfer of LoCIP Funds in the amount of \$65,000 as described
- 20 – Approve the transfer of \$1494.00 from the Elderly Services Donation Revenue account to the Commission on Aging Budget as described
- 24 – Receive the communication and refer to the Majority Leader and Minority Leader
- 27 – Approve the Lease Agreement between Apple Computer/Apple Education Finance and City of Danbury as described
- 28 – Approve a three-year extension of licensing agreement with James X. Terry for the Bear Mountain cottage
- 32 – Receive communication
- 33 – Approve Connecticut Light and Power Company Utility Easement subject to conditions of the Director of Public Works
- 34A – Receive the communication and take no action
- 35 – Refer to the City Engineer for a report back within thirty days
- 39 – Receive the report regarding a request for sewer and water extensions on Oil Mill Road and abandon a portion of Oil Mill Road approved subject to conditions
- 40 – Receive the report regarding assignment of two leases from Tisano Realty to Urstadt Biddle and approve same
- 41 – Receive the report regarding a request for appropriation of \$320,000 from the Water Fund for conversion of chlorine gas and approve same
- 42 – Receive the report regarding a water extension in Berkshire Corporate Park and approve the recommendation
- 43 – Receive the report regarding road hazards on Aunt Hack Road and approve the recommendations
- 44 – Receive the report regarding Police Towing rotation list and approve the recommendations
- 45 – Receive the report regarding Workforce Development and approve the recommendations
- 46 – Receive the report regarding Sewer Extension at 47-51 Federal Road and approve the recommendation
- 47 – Receive the report regarding Cell Phone Ban and approve the recommendation
- 48 – Receive the report regarding Sewer Extension at 38 Aunt Hack Road and approve the recommendation
- 49 – Receive the report regarding Sewer Extension at 58 Benson Drive and approve the recommendation
- 50 – Receive the report regarding Water Extension at 45B Miry Brook Road and approve the recommendation
- 51 – Receive the report regarding sewer extension at 3 and 4 Ridgewood Drive and approve the recommendation

52 – Receive the report regarding drainage onto Barnum Road and approve the recommendation

55 – Approve appointment of Joyce J. Curran as a member of the Richter Park Authority

Mr. Levy made a motion to adopt the Consent Calendar as presented with the exception of item 35. Seconded by Ms. Neptune. Motion carried unanimously.

1 – RESOLUTION – Neighborhood Revitalization Zone

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, State Public Act 95-340 “An Act Establishing a Neighborhood Revitalization Zone Process” establishes model for economic revitalization for neighborhoods on the local level; and

WHEREAS, the City of Danbury Common Council supports the establishment of Neighborhood Revitalization Zones in the City; and

WHEREAS, the zone boundaries are to be jointly determined by a neighborhood committee and the City; and

WHEREAS, the City of Danbury shall provide staff support of a Neighborhood Revitalization Zone planning committee.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of Danbury recognizes the Blind Brook Neighborhood Revitalization Zone with its boundaries including the following streets:

Cherry Street, Division Street, East Pearl Street, George Street
Linden Place, Orchard Street, Spruce Street and West Wooster
Street (Deer Hill Avenue to Jefferson Avenue/Wooster Village).

Mr. Furtado made a motion to receive the communication and adopt the resolution. Seconded by Mrs. Basso. Motion carried unanimously.

2 – RESOLUTION – Recreational Trails Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut has made funding available for construction costs for the establishment or improvement of recreational access to open space areas through the “Recreational Trails Program”; and

WHEREAS, the City of Danbury has an on-going initiative of passive recreation and environmental education along the Still River Greenway in east Danbury, including a handicap access zone at the trailhead; and

WHEREAS, The Still River Greenway would have greater access for disadvantaged individuals if the handicap access zone were extended toward the first pedestrian bridge along the Greenway; and

WHEREAS, the extension of the handicap access zone meets a long-term goal of the Still River Alliance of making more of the trail accessible to those who are physically challenged; and

WHEREAS, the grant request is for \$24,000.00, with a local match of \$6,000.00 being made available through the current general fund appropriation for a total project cost of \$30,000.00; and

NOW, THEREFORE, BE IT RESOLVED THAT the Danbury Health Department is hereby authorized to make application to the State of

Connecticut for said funding, and Mayor Mark D. Boughton be and hereby is authorized to sign all documents necessary to effectuate the purposes hereof.

Mr. Gogliettino made a motion to receive the communication and adopt the resolution. Seconded by Mr. Buzaid. Motion carried unanimously.

3 – RESOLUTION – Assignment of Real Property Tax Liens

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes 12-195h authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid taxes on real property; and

WHEREAS, the City of Danbury previously assigned certain real estate tax liens to American Tax Funding, LLC (“ATF”); and

WHEREAS, the assignment of additional tax liens on the grand list of October 1, 1998, October 1, 1999 and October 1, 2000 to ATF with Foothill Capital Corp. as a secured party, relating to the same properties covered by the tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that Mayor Mark D. Boughton be and hereby is authorized to accomplish the assignment to ATF of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand lists of October 1, 1998, October 1, 1999 and October 1, 2000 and having a value of \$1,057,300.42 (less any amounts paid on or after January 25, 2002) and that Mayor Boughton be and hereby is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

The resolution to authorize the assignment of additional tax liens on the grand list of October 1, 1998, October 1, 1999 and October 1, 2000 to American Funding LLC in the amount of \$1,057,300.42 was adopted on the Consent Calendar.

4 – RESOLUTIONS – Charter Revision

Mr. McAllister made a motion to table. Seconded by John Gogliettino. Motion carried unanimously.

5 – COMMUNICATION – Government Entities Review

Request from Mayor Boughton for confirmation of the appointment of Dean Esposito, David Mazzuchelli and Pauline Basso to the Government Entities Review Committee, as well as public members Alan Boyce and Mark Chory. Mr. Nolan made a motion to receive the communication and confirm the appointments. Seconded by Mr. McAllister. Motion carried unanimously.

6 – COMMUNICATION – Promotion to Rank of Sergeant in the Police Department

Request from Mayor Boughton for confirmation of the promotion of Albert Russo to the rank of Sergeant in the Police Department. Mr. McAllister made a motion to receive the communication and confirm the appointment. Seconded by Mr. Scozzafava. Motion carried unanimously.

7 – COMMUNICATION – Appointment to the Fair Rent Commission

Request from Mayor Boughton for the confirmation of Louise McMahon to the Fair Rent Commission for a term to expire July 1, 2004. The appointment was confirmed on the Consent Calendar.

8 – COMMUNICATION – Hawthorne Cove

Request for an ad hoc committee to address complaints from the Hawthorne Cove neighborhood regarding their change of address from Brookfield to Danbury. Mr. McAllister asked that this be referred to an ad hoc committee, the Planning Department, the Post Master and residents of Hawthorne Cove. Mayor Boughton so ordered and appointed Council Members Saadi, Null, and Basso to the committee.

9 – COMMUNICATION – Donation from the Lebanon American Club

Letter from Mayor Mark Boughton requesting the acceptance of an in-kind contribution of \$200 for rental of facilities from the Lebanon American Club for Danbury Permit Center Team Retreat. Mrs. Basso made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Darius. Motion carried unanimously.

10 – COMMUNICATION – National League of Cities Transitional Jobs Project

Request from Mayor Mark Boughton for permission to participate in the National League of Cities Transitional Jobs Project, a new technical assistance project designed to improve employment opportunities for hard-to-employ individuals. Mr. Nolan made a motion to receive the communication and authorize the Mayor to file the grant application. Seconded by Mr. McAllister. Motion carried unanimously.

11 – COMMUNICATION – Appointment to the Parks and Recreation Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Levi A. Newsome to the Parks and Recreation Commission for a term to expire December 1, 2004. The appointment was confirmed on the Consent Calendar.

12 – COMMUNICATION – Donation to the Ambulance Fund

Request from Director of Finance Dominic Setaro to accept a donation in the amount of \$100 from Patricia D. Randolph for the ambulance fund. Mr. Williams made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

13 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Leo McIlrath for permission to accept donations in the amount of \$1,050. Mr. Moore made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

14 – COMMUNICATION – Donation – Still River Bridge

Request from the Director of Finance Dominic Setaro for permission to accept a donation in the amount of \$5,000 from Boehringer Ingelheim for the Still River Pedestrian Bridge. Mr. Gogliettino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

15 – COMMUNICATION – Donation – Swampfield Land Trust

Request from the Director of Finance Dominic Setaro for permission to accept a donation from the Swampfield Land Trust in the amount of \$5,000.00 to conduct an open space survey of land in south Danbury. Mr. Furtado made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Darius. Motion carried unanimously.

16 – COMMUNICATION – Schaghticoke Tribal Nation Acknowledgement Proceedings – Appointment of Counsel

Proposal from Mayor Boughton that the City appoint the firm of Perkins Coie, LLP of Washington, D. C. as special counsel for the City in the STN proceedings. Mr. Saadi made a motion to receive the communication and approve the recommendation to appoint the firm of Perkins Coie, LLP as special counsel. Seconded by Mr. Scozzafava. Motion carried with Ms. Neptune voting in the negative.

17 – COMMUNICATION – Donation to the Police Department

Request from Chief of Police Robert Paquette for permission to accept the donation of latex disposable gloves totaling \$210.00 from Michael Balkind of Atlantic Communications, Inc. Mr. Williams made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

18 – COMMUNICATION – EPA Consent Agreement

Mr. Saadi made a motion that this be moved to the end of the agenda. Seconded by Mrs. Basso. Motion carried unanimously.

19 – COMMUNICATION – LoCIP Funds Transfer

Request from the Director of Finance Dominic Setaro for authorization to make application to the State to transfer LoCIP Funds in the amount of \$65,000 to a new line item entitled “Police Station Improvements”. The request was authorized on the Consent Calendar.

20 – COMMUNICATION & CERTIFICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$1,494 from the Elderly Services donations account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

21 – COMMUNICATION – Library Funding

Request for an ad hoc committee to study whether additional library book funding is available for the balance of this fiscal year. Mr. Nolan asked that this be referred to an ad hoc committee, the Director of Finance and the Director of the Library. Mayor Boughton so ordered and appointed Council Members Nolan, Buzaid and Furtado to the committee.

22 – COMMUNICATION – Litigation Update

Mr. McAllister asked that this be referred to the end of the agenda for executive session. Seconded by Mrs. Basso and passed unanimously.

23 – COMMUNICATION – Immigration Needs

Request for an ad hoc committee to study immigrant needs in the community. Mrs. Basso asked that this be referred to an ad hoc committee. Mayor Boughton so ordered and appointed Council Members Gogliettino, Neptune and Scozzafava to the committee.

24 – COMMUNICATION – Reapportionment of Wards

The communication was received and referred to the Majority Leader and the Minority Leader on the Consent Calendar.

25 – COMMUNICATION – Tarrywile Park Silo

Mr. Moore asked that this be referred to an ad hoc committee, the Executive Director of Tarrywile and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Furtado, Gallagher and Basso to the committee.

26 – COMMUNICATION – Donations to the Library

Request from Library Director Betsy McDonough for permission to accept donations in the amount of \$225.00 for the Library. Mr. Williams made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

27 – COMMUNICATION – Apple Education Finance Lease Agreement

Leasing agreement with Apple Education Finance enabling the Board of Education to procure 220 iMac workstations for use by staff and students at seven elementary schools. The lease agreement was approved on the Consent Calendar.

28 – COMMUNICATION – Bear Mountain Lease Agreement

Licensing agreement to James X. Terry for the Bear Mountain cottage. The agreement is for three years. The three-year extension of licensing agreement was approved on the Consent Calendar.

29 – COMMUNICATION – Renaming of Cherry Street to Rev. Aaron B. Samuels Boulevard

Petition asking that Cherry Street officially be changed to Aaron B. Samuels Boulevard. Ms. Neptune asked that this be referred to the Planning Department and the Corporation Counsel for reports back within thirty days. Mayor Boughton so ordered.

30 – COMMUNICATION – Post Office Street Ground Lease

Lease for the ground under the solarium addition to the former Mimi's restaurant, title to which is claimed by the City. Mr. Saadi asked that this be referred to the Corporation Counsel's Office for a report back within thirty days. Mayor Boughton so ordered.

31 – COMMUNICATION – Spring Ridge Development, Bear Mountain Road

Request for approval of the acceptance by the City of two parcels, for highway purposes. Mr. Moore asked that this be referred to the Corporation Counsel and the City Engineer for reports back within thirty days. Mayor Boughton so ordered.

32 – COMMUNICATION – 51 Federal Road – Sewer Main Extension

The communication was accepted on the Consent Calendar and no action taken.

33 – COMMUNICATION – Reports regarding Shelter Rock Road

Reports from the City Engineer, the Corporation Counsel and the Planning Commission recommending that the City grant CL & P utility easements subject to the City being granted the authority to approve the proposed locations of utility poles. The utility easement was approved on the Consent Calendar subject to conditions of the Director of Public Works.

34 – COMMUNICATION – The Gardens – Tax Problems

Mr. McAllister asked that this be referred to an ad hoc committee, the Director of Finance and the Corporation Counsel. Mayor Boughton so ordered

and appointed Council Members Moore, Darius and Scozzafava to the committee.

34A – COMMUNICATION – Reports regarding Benedict Avenue

The reports were received on the Consent Calendar and no action taken.

35 – COMMUNICATION – Sewer Line at 37 Broad Street

Mr. Levy asked that this be referred to an ad hoc committee and the City Engineer. Mayor Boughton so ordered and appointed Council Members Saadi, John Esposito, and Basso to the committee.

36 – COMMUNICATION – Request to Buy City Land at 24 North Street

Mr. Moore asked that this be referred to the Corporation Counsel and the City Engineer for reports back within thirty days. Mayor Boughton so ordered.

37 – COMMUNICATION – Sewer Line on Alexander D Avenue

Mrs. Basso asked that this be referred to the City Engineer for a report. Mayor Boughton so ordered.

38 – REPORT – Facility Needs of the Police and Fire Departments.

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the facility needs of the Police and Fire Departments met on January 22, 2002 at 7:30 P.M. in Conference Room 3C in City Hall. In attendance were committee members Levy, John Esposito, Saadi, Nolan and Basso. Also in attendance were Director of Finance Dominic Setaro, Police Chief Robert Paquette, Deputy Police Chief Mark Rosato, Acting Fire Chief Peter Sicienski, Superintendent of Public Buildings Richard Palanzo, Council Members Kelly, Gogliettino, Williams and Dean Esposito, ex-officio and several members of the public.

Chief Paquette stated that some of the existing problems are lack of space, locker rooms that are in disrepair, inadequate shower facilities, lack of parking, poor security, inadequate evidence and interview rooms and poor ventilation. Chief Paquette spoke about the number of employees in the building, the lack of parking and efforts being made to return evidence no longer needed to investigate cases.

Mr. Setaro stated that there is \$68,158 left in the building line item already earmarked. There are LoCIP funds in the amount of \$35,000 for renovations and \$9,000 in GF notes. None of what the committee has in police requests is in the Capital Budget. There are a couple of options available. There is \$233,000 available in LoCIP funds for streetscape improvements that the Mayor is prepared to use for police and fire. Mr. Palanzo should make revisions to his plan submitted to Planning. Bids could be solicited for the long term. The short-term solution is to use the streetscape money. Mr. Setaro stated that money for parking could come from other sources such as the Vision 21 Bond Package. Items have to be proposed for the Capital Budget before February 15th.

Mr. Saadi made a motion that all items, except 1D, 3A and 6A be included in the five-year capital budget plan and be submitted for LoCIP funds. Seconded by Mrs. Basso. Motion carried unanimously.

Acting Chief Peter Sicienski outlined the properties of the Fire Department. Some of the existing problems are the dispatcher space is outdated, security issues need to be addressed such as the 911 emergency calls center should be protected, lighting at the main headquarters is poor and it lacks close-captioned TV cameras. There are some funds available to do some short-term work. He outlined his funding requests. Space is also a problem. The training room and the conference room are combined. It is not handicapped accessible. A major priority is to get the fire training school up

and running. There are Health Department citations at the Engine 25 site that need to be corrected.

A discussion followed regarding funding options. Mr. Saadi stated that in his opinion that the fire school, the 911 system and Engine 25 are long term projects and correcting Health Department violations at King Street, security at headquarters and making headquarters handicapped accessible are short-term.

Mr. Saadi made a motion to recommend continued usage of LoCIP funds for the fire school and include security for headquarters and handicapped accessibility in the five year capital budget plan and also include remedy for King Street Health Department violations, funding sources to be determined. Mrs. Basso seconded the motion. Motion carried unanimously.

Mr. McAllister made a motion that the report be received and the recommendations adopted. Seconded by Mr. Moore. Motion carried unanimously.

39 – REPORT – Request for Sewer and Water Extension on Oil Mill Road and Abandonment of a Portion of Oil Mill Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions on Oil Mill Road and the abandonment of a portion of Oil Mill Road met on January 23, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Shuler and Basso. Also in attendance were Director of Public Works William Buckley and Attorney David Grogins and Engineer Michael Mazzuco for the petitioners.

Mr. Mazzuco stated that they had previously been granted the sewer and water extensions, but the eighteen-month period has elapsed. Attorney Grogins stated that the City is interested in eliminating the Hillside Street Pump Station. Regarding the abandonment of a portion of the road, they will give property to the City to form a cul-de-sac. The bridge would be on private property. Mr. Machado noted the positive Planning Commission report.

Mr. Buckley stated that he would recommend approval of the request for sewer and water extensions subject to the required eight steps. He would recommend a ninth step requiring a petition to secure an easement from the Housatonic Railroad which would take the Hillside Pump Station and run a line from the pump station through and within the easement. The easement should include a portion of their property. He would also recommend a tenth step requiring the petitioner to turn over \$47,000 as their capital contribution to accomplish abandonment of the Hillside Street Pump Station. He would also recommend abandonment of the road with the understanding that existing utilities are given easements to the City and be consistent with requirements of the Public Works Department.

Mrs. Basso made a motion to recommend approval of the request for sewer and water extensions subject to the required eight steps and subject to a ninth step requiring a petition to secure an easement from the Housatonic Railroad which would take the Hillside Street Pump Station and run a line from the pump station through and within the easement. The easement should include a portion of their property. In addition, a tenth step should be required that the petitioner turn over \$47,000 as their capital contribution to accomplish abandonment of the Hillside Street Pump Station. Mrs. Basso also moved to recommend abandonment of the road with the understanding the existing utilities are given easements to the City and meet requirements of the Public Works Department. Seconded by Mr. Shuler and passed unanimously.

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

40 – REPORT – Tisano Realty Lease

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review the Tisano Realty Lease met on January 22, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino, Kelly and Williams. Also in attendance were Director of Finance Dominic Setaro, Assistant Corporation Counsel Les Pinter, Attorney Robin Kahn and the petitioner, John Merritt.

Attorney Kahn stated that she represents Tisano Realty who leases two strips of land owned by the City for parking behind and to the side of Boston Billiards. There are two leases, one from 1993 and one from 1995. The leases are in effect until 2008. Tisano wants to assign the leases to Urstadt Biddle who is buying the property. Before the leases can be assigned, the Common Council must approve it. There are no changes in the terms and conditions of the lease. The buyer understands that there will be increases in the fees if the lease is re-negotiated.

Attorney Pinter stated that he has been in contact with Attorney Kahn. Everything is in order. The leases are straightforward. There are escalation clauses every five years. The new lessee will undertake terms on the same basis as the previous lessee. The rent is paid monthly. Mr. Kelly asked what the rent per square foot is. Attorney Pinter said the first parcel is \$8,806.84 per year. Mr. Merritt asked if it were true that these parcels cannot be sold. Attorney Pinter stated that permission from the FAA would be needed.

Mr. Williams made a motion to recommend approval of the assignment of both leases. Seconded by Mr. Kelly. Motion carried unanimously.

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

41 – REPORT – Appropriation of Funds for West Lake Water Treatment Plant

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the request for the appropriation of funds for the West Lake Water Treatment Plant met on January 15, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi and Nolan. Also in attendance were Director of Finance Dominic Setaro, Director of Public Works Bill Buckley, Director of Public Utilities Mario Ricoszi, Assistant Corporation Counsel Les Pinter and Council Members Moore, John Esposito and Basso, ex-officio.

Mr. Saadi noted that the request was to approve the sum of \$320,000 to replace the existing chlorine gas disinfection system at the West Lake Water Treatment Plant with a liquid sodium hypochlorite system. Mr. Nolan asked why this urgency was created. Mr. Ricoszi stated that the 1999 EPA regulations increased the methods of caring for chlorine as far as safety precautions, increased training and record keeping. The EPA did an inspection one year ago. The results of the inspection were received last October and the deficiencies that were identified have been corrected. The use and storage of chlorine is more regulated and more of a risk to the environment. There is a greater awareness, since September 11th, of risks to the drinking water supplies.

Mr. Nolan asked if we are under order to implement this plan. Mr. Ricoszi stated that the deficiency was contained in the EPA report. He referred it to Attorney Pinter. If they can come to a settlement regarding fines with the EPA, this should be a part of it. Attorney Pinter stated that this is urgent for two reasons, safety and because the EPA has notified us of a potential penalty of \$40,000. They would view this as a good faith effort.

Mr. Nolan asked if it would be unusual to have this come from the Water Fund. Mr. Setaro stated that the amount is unusual but it could be done.

Mr. Nolan made a motion to recommend approval of the recommendation and authorize the appropriation of \$320,000 as per the certification of funds. Seconded by Mr. Saadi and passed unanimously.

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

42 – REPORT – Request for Water Extension – Berkshire Corporate Park

John Esposito submitted the following report:

The Common Council Committee appointed to review the request for water extension in Berkshire Corporate Park on Riverview Drive met on January 15, 2002 at 7:40 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members John Esposito, Saadi and Nolan. Also in attendance were Director of Public Works Bill Buckley and petitioners Roy Steiner and Jim Rotondo, as well as Council Members Gogliettino, Williams, Moore and Basso, ex-officio.

Mr. Esposito read the positive recommendation of the Planning Commission. He then asked Mr. Buckley to give an overview of the project. Mr. Buckley stated that it is a routine water extension and recommended approval.

Mr. Saadi made a motion to approve the request subject to the required eight steps with a clarification of the typographical error in the Planning Commission report. Seconded by Mr. Nolan. Motion carried unanimously.

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

43 – REPORT – Road Hazards – Aunt Hack Road

The Common Council Committee appointed to review the road hazards on Aunt Hack Road met on January 9, 2002 at 7:10 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi, Basso and Williams.

Mr. Williams said that he had spoken to Mr. Buckley who felt that this issue should be referred to the Public Works Budget Committee because such projects need to be prioritized. Mr. Saadi said that his concern is that the Public Works Department some work on a short-term basis regarding the dangerous erosion situation.

Mrs. Basso made a motion to have the Public Works Department address the dangerous erosion situation to the extent possible and that this matter be referred to the Public Works Budget Committee. Seconded by Mr. Williams. Motion carried unanimously.

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

44 – REPORT – Police Towing Rotation List

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review a complaint regarding the Police Towing Rotation List met on January 15, 2002 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino, Gallagher and Basso. Also in attendance were Chief of Police Robert Paquette and Assistant Corporation Counsel Les Pinter.

Mr. Gogliettino noted that the committee last met on September 19, 2001 and heard the views of the petitioner, Brian Anderson. Mr. Gogliettino stated that he has since asked Attorney Pinter for a legal opinion. Mr. Pinter stated that the jurisdiction with this type of complaint is an administrative function, not a legislative function. To permit a review of a matter like this in a Council

setting would not only carry the risk of airing potential legal claims in public, but would intrude upon the process of administrative application of an ordinance and the legal interpretation of language, which is a function appropriately resting outside the jurisdiction of the Common Council. Should this matter rise to the level of an actual legal claim, and a settlement is proposed, Council review and action would be necessary.

Mrs. Basso made a motion to take no action. Seconded by Mr. Gallagher and passed unanimously.

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

45 – REPORT – Workforce Development

Mr. Moore submitted the following report:

The Common Council Committee appointed to review workforce development met on January 15, 2002 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore, Gogliettino and Nolan. Also in attendance were Deborah MacKenzie and Patricia Bowen of the Welfare Department, Steven Bull of the Chamber of Commerce, Jim Bellano of the Housatonic Valley Economic Development Partnership and Council Members Saadi, Basso and Williams, ex-officio.

Mr. Moore gave a summary of past activities. A broad economic development task force is going to be appointed by Mayor Boughton. It is a recommendation that the Mayor's Economic Development Task Force create, as part of its strategic plan, a formal Workforce Development Task Force. Discussion was held concerning the creation of a subcommittee of the Mayor's task force.

A motion was made by Mr. Gogliettino to recommend that the Mayor's Economic Development Task Force create, as part of its strategic plan, a formal Workforce Development Committee. The motion was seconded. The motion was passed unanimously.

46 – REPORT – Request for Sewer Extension – 47-51 Federal Road

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 47-51 Federal Road, Lot L10016 met on January 16, 2002 at 7:00 P.M. in City Hall. In attendance were committee members Levy, Buzaid and Basso. Also in attendance were Assistant City Engineer Patricia Ellsworth, Richard Pearson and Diego Villareale of JMC Consulting and Attorney Paul Jaber representing HD Danbury, LLC.

The Planning Commission, in a letter to the Common Council, gave a positive recommendation on this request. Ms. Ellsworth reviewed the application and gave a positive recommendation.

Mrs. Basso made a motion to approve the sewer extension subject to the City Code of Ordinances and the required eight steps. The motion was seconded by Mr. Buzaid and passed unanimously.

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

47 – REPORT – Cell Phone Ban

Mr. Moore submitted the following report:

The Common Council Committee appointed to review a ban on cell phones while driving met on January 17, 2002 at 7:00 P. M. in the Third Floor

Caucus Room in City Hall. In attendance were committee members Moore, Darius and Basso as well as Corporation Counsel Eric Gottschalk.

Mr. Moore asked Mrs. Basso for an overview of her request. Mrs. Basso stated that she knows this is would have to be regulated by the State, but feels that the situation is dangerous. Mr. Moore asked Attorney Gottschalk what avenues are available to the Common Council to pursue this matter. Attorney Gottschalk stated that he sees a number of problems. One is the constitutional restriction. The federal government is in charge of interstate commerce laws. An option would be to require a hands free device. This would avoid the constitutional issue. Connecticut State Statute section 14-162 states that towns cannot regulate accessories in cars. The correct avenue to pursue this is through the State legislature.

Mr. Moore summarized by stating that we do not have the authority to do this. It must be pursued at the State level. Mr. Darius stated that he agrees that this is a frustrating issue. We are going to become a more technical society so we need to find a way to control this.

Mrs. Basso made a motion to take no action. Seconded by Mr. Darius. Motion carried unanimously.

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

48 – REPORT – Request for Water Extension – 38 Aunt Hack Road

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 38 Aunt Hack Road met at 7:30 P.M. on January 22, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Dean Esposito, Moore and Williams. Also in attendance were Director of Public Works William Buckley and the petitioner, Robert Vitolo.

Mr. Esposito read the positive Planning Commission report. Mr. Buckley stated that he reviewed the background of this request. The extension would be approximately 100 feet and perceives no conflict with underground infrastructure. He recommends approval subject to the required eight steps.

Mr. Williams made a motion to recommend approval of the sewer extension subject to the required eight steps. Seconded by Mr. Moore. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

49 – REPORT – Request for Sewer Extension – 58 Benson Drive

The Common Council Committee appointed to review the request for sewer extension at 58 Benson Drive met on January 23, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner Steve Miller.

Mr. Buckley recommended approval subject to the normal eight steps. An engineer might tell Mr. Miller that the cost would be too high and he could back out if he chose to. The cost is approximately \$100 per lineal foot and the extension would be approximately 110 feet.

Mrs. Basso made a motion to recommend approval of the sewer extension subject to the required eight steps. Seconded by Mr. Machado. Motion carried unanimously.

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

50 – REPORT – Request for Water Extension at 45B Miry Brook Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for water extension at 45B Miry Brook Road met on January 23, 2002 at 7:35 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Shuler and Basso. Also in attendance were Director of Public Works William Buckley and Attorney Neil Marcus representing the petitioner.

Mr. Buckley stated that the line exists to provide fire service for the existing building. They will run a service line off it. They will run a line to put a hydrant in at their expense. They will give us the necessary easements. He recommends approval for fire and domestic service subject to the required eight steps.

Mrs. Basso made a motion to recommend approval of the water extension at 45B Miry Brook Road for fire and domestic service subject to the required eight steps. Seconded by Mr. Shuler. Motion carried unanimously.

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

51 – REPORT – Request for Sewer Extension – 3 & 4 Ridgewood Drive

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 3 and 4 Ridgewood Drive met on January 24, 2002 at 7:20 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher, Gogliettino and Scozzafava. Also in attendance were the Director of Public Works William Buckley and the petitioner, Robert Botelho.

Mr. Buckley stated that this is a simple extension and he would recommend approval subject to the required eight steps.

Mr. Scozzafava made a motion that the sewer extension at 3 and 4 Ridgewood Drive be approved subject to the required eight steps. Seconded by Mr. Scozzafava. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

52 – REPORT – Drainage Easement, Barnum Road

Mr. Gallagher submitted the following report:

The Common Council Committee appointed to review a drainage easement on Barnum Road met on January 24, 2002 at 7:33 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gallagher and Null. Also in attendance were Director of Public Works William Buckley and Assistant Corporation Counsel Les Pinter.

Mr. Buckley stated that a drainage leak off presently exists on Barnum Road in front of this parcel of land. The builder has proposed the installation of a catch basin at the edge of Barnum Road in the location of the existing leak off and in the installation of pipe to carry stormwater from the catch basin to a point behind the proposed house. The City does not want to be responsible for the proposed storm drain on this private property. He recommends that rights to drain be granted to the City instead of an easement and that the portion of the storm drain on private property remain private. Mr. Null asked where is drains now. Mr. Buckley said it drains right there.

Mr. Null made a motion to accept the report of the Public Works Department dated August 27, 2001 and approve the recommendations. Seconded by Mr. Gallagher. Motion carried unanimously.

The report was received on the Consent Calendar and its recommendations adopted.

53 – REPORT – Land Adjacent to Lake Kenosia Recreational Complex

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the land adjacent to the Lake Kenosia Recreational Complex met on January 28, 2002 in the Third Floor Caucus Room in City Hall at 7:00 P.M. In attendance were committee members Dean Esposito, Gallagher and Williams. Also in attendance were Director of Public Works William Buckley, Director of Parks and Recreation Robert Ryerson, Council Members Moore and Gogliettino, ex-officio and Peter Hearty, Steven Zaleta and Jim Taylor of the Hibernians.

Mr. Esposito asked the members of the Hibernians for an overview of the request. Mr. Zaleta stated that on St. Patrick's Day last year, Gene Eriquez offered to lease the property to the Hibernians for \$1.00 per year. Since then they have realized it is unrealistic. As a taxpayer, he knows it should not happen. He stated that Mayor Boughton feels that the City should appraise the property and put it out for bid. Mr. Esposito stated that his initial feelings were the same as Mr. Zaleta. He has received a number of letters from other groups expressing interest in bidding on the property.

Mr. Gallagher made a motion to take no action. Seconded by Mr. Williams. Motion carried unanimously.

Mr. Nolan made a motion to receive the communication. Seconded by Mrs. Basso. Motion carried with Council Members Saadi and Moore abstaining.

54 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Housing, Department of Elderly Services, Welfare Department, Health and Housing. Mr. Levy made a motion that the department reports be accepted as submitted and the reading waived as all members have copies, which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Nolan. Motion carried unanimously.

55 – COMMUNICATION – Appointment to the Richter Park Authority

Letter from Mayor Boughton requesting confirmation of the appointment of Joyce J. Curran to the Richter Park Authority for a term to expire September 1, 2004. The appointment was confirmed on the Consent Calendar.

56 – COMMUNICATION – Donation from the Comcast Cable Advisory Council

Letter from Mayor Boughton requesting acceptance of a donation from Comcast Cable Advisory Council in the amount of \$1,000 for the purchase of a video camera. Mr. Gogliettino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

57 – COMMUNICATION – Appointments to the Vision 21 Committee

Letter from Superintendent of Public Schools Timothy P. Connors and Chairman Bobby Poole asking for the appointment of the following persons to the Vision 21 Committee: Eileen Alberts, William Warfield, Dana Brisson, John R. Mitchell and H. David Sabel, Jr. Mr. Levy made a motion to receive the communication and appoint the above named persons to the Vision 21 Committee, as well as Council Members Dean Esposito and Joseph Scozzafava as Council representatives. Seconded by Paul McAllister. Motion carried unanimously.

58 – COMMUNICATION – Appointment as Fire Chief

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

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Peter Siecienski as Fire Chief. Mr. McAllister made a motion to receive the communication and confirm the appointment. Seconded by Mr. Darius. Motion carried unanimously.

Mayor Boughton extended all committees, except item 31 from the September 5, 2001 agenda, item 9 from the March 6th agenda and item 47 from the April 3rd agenda.

Mayor Boughton appointed the following members to the Education Budget Committee: Michael Moore (Chairman), Sherry Neptune, Matthew Gallagher, Vincent Nolan and Joseph Scozzafava.

At 8:50 P.M. Mr. Saadi made a motion to enter into executive session. Seconded by Mrs. Basso. Motion carried unanimously.

At 9:40 the Common Council reconvened in Executive Session.

Item 18 – Mr. Gallagher made a motion to accept the EPA Consent Agreement and authorize the Mayor to sign same, upon certification. Seconded by Mr. Gogliettino. Motion carried unanimously.

Item 22 – Mr. Levy made a motion to take no action. Seconded by Mr. McAllister. Motion carried unanimously.

There being no further business to come before the Common Council, a motion to adjourn was made at 9:45 P.M. for the meeting to be adjourned.