

TO: Mayor Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting September 4, 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, Dean Esposito, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Basso, Darius, Furtado, Gogliettino, Moore, Neptune

ABSENT – Gallagher

20 PRESENT - 1 ABSENT

PUBLIC SPEAKING

Dr. Robert Joy, 21 Ridge Road – He spoke in favor of the HUSKY Program

Reed Mitchell, 1 Park Place – spoke on item 33 – the Blight Ordinance

Lynn Waller, 83 Highland Avenue – spoke on item 11. If transferred, the land would be used for passive recreation. She asked if the land would be handicapped accessible. We will need this land if the town continues to grow.

Michael Marcus, 24 Lindencrest Drive – spoke in favor of item 11. The land is well suited for open space recreation.

Mary Angela Amendola, Pembroke Road – She spoke in favor of the HUSKY Program, especially the Outreach Program.

Seneca Esposti, 25 Marc Drive – spoke in favor of the HUSKY Program

Kim Giarrantaina, 16 East Pembroke Road – supports the HUSKY Program

Kathy Petroski, Gregory Street – supports the HUSKY Program, especially the Outreach Program

(At 7:45 P.M. Mr. Gallagher arrived and was marked present)

MINUTES – Minutes of the Common Council Meeting held August 6, 2002. Mr. Levy made a motion to accept the minutes as presented and waive the reading. Seconded by Mr. Saadi. Mr. Darius asked for a point of order and stated that the minutes are not property before the Common Council. Attorney Yamin stated that the point was not well taken. Mr. Darius appealed the ruling of the chair and asked for a roll call vote. The appealed failed with the members voting as follows:

YES – Null, Kelly, Dean Esposito, Machado, Shuler, Darius, Gallagher, Neptune

NO – Nolan, McAllister, Mazzuchelli, Buzaid, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Basso, Furtado, Gogliettino, Moore

8 Yes – 13 No

Motion to accept the minutes passed with Council Members Darius and Gallagher voting in the negative.

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

1 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$42,979.00 for the After School Child Care Program as described.

3 – Adopt the Resolution to enter into a service agreement with the State of Connecticut Department of Mental Health and Addiction Services General Assistance Behavioral Health Program as described.

4 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$93,433.00 for the operation of the emergency shelter as described.

5 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Office of Public Records Administration in the amount of \$10,000 for Historic Documents Preservation as described.

9 – Approve the appointment of Joseph S. Bukowski as a member of the Airport Commission

10 – Approve the appointment of Matthew S. Antonetti as a member of the Conservation Commission

19 – Approve Larson Drive as a City Street subject to conditions as described

22 – Approve the transfer of \$533.00 from the Elderly Services Donations Account to the Commission on Aging Budget as described.

23 – Approve a request to enter into an Administrative Services Agreement with Hartford Life Insurance Company to service the City deferred compensation plan as described and authorize the Mayor, or his designees, to sign all documents.

27 – Approve Denver Terrace as a City street subject to conditions as described

29 – Approve a request for a water main extension at 11 South Cove Road Lot No. 109141 subject to standard eight steps

30 – Receive reports and deny a request to purchase Lot No. C12021 on Maplewood Drive

Mr. Nolan made a motion that the Consent Calendar be accepted as presented. Seconded by Mr. Dittrich. Motion carried unanimously.

1 – RESOLUTION – Before and After School Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services, will make grant funds available to Connecticut municipalities;

WHEREAS, the State of Connecticut, Department of Social Services, will award these funds to the Danbury Public Schools for use in the Before and After School Child Care program to provide day care services to 600 school age children;

WHEREAS, these funds, if awarded, would be used for the Before and After School Program for the grant period of July 1, 2002, through June 30, 2003, for the 2002-03 school year;

WHEREAS, the City of Danbury is eligible to receive grant funds up to the amount of \$42,979.00; and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton as Mayor of the City of Danbury is hereby authorized to apply for said grant funds and to sign all documents necessary and do all things necessary to effectuate the purposes of said program.

The resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$42,979.00 for the After School Child Care Program was adopted on the Consent Calendar.

2 – RESOLUTION – Roberts Avenue School Building Committee

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council hereby authorizes the Danbury, Connecticut Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the new construction of a school to replace Roberts Avenue School; and

WHEREAS, the Building Committee is hereby established consisting of the following persons: William J. Buckley, Jr., P.E.; Patricia A. Ellsworth, P.E.; Dena R. Diorio; Farid L. Khouri, P.E., Richard M. Palanzo; Bobby Poole; Gladys Cooper; Lou Rotello; Anthony Paivo; Amy Duncan; Anna Rocco; and two (2) Common Council members with regard to building an Elementary School to replace Roberts Avenue School.

NOW, THEREFORE BE IT RESOLVED, that the Common Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the new construction of a school to replace Roberts Avenue School.

Mr. Gogliettino made a motion to receive the communication and adopt the resolution. Seconded by Dean Esposito. Mr. Levy made a motion to amend the resolution to add the Council Members David Mazzuchelli and Joseph Scozzafava to the committee. Seconded by Mr. Nolan. Motion to amend carried unanimously.

Main motion, as amended, carried unanimously.

3 – RESOLUTION – Behavioral Health Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, through the Department of Mental Health and Addiction Services General Assistance Behavioral Health Program funds programs of general welfare assistance; and

WHEREAS, the City of Danbury, pursuant to a current provider agreement with said Department, provides welfare services to recipient of general welfare assistance; and

WHEREAS, said provider agreement permits the City of Danbury to receive reimbursement from the said Department for such services; and

WHEREAS, the parties are desirous of entering into a new, two-year provider services agreement from October 1, 2002 through September 30, 2004 for the purposes of the program;

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury and/or Dean Diorio, its Director of Finance, or their designees, be and are hereby authorized to enter into and amend contractual instruments with the Department of Mental Health and Addiction Services of the State of Connecticut as are necessary in order to effectuate the purposes hereof.

The Resolution to enter into a service agreement with the State of Connecticut Department of Mental Health and Addiction Services General Assistance Behavioral Health Program was adopted on the Consent Calendar.

4 – RESOLUTION – Emergency Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services has made available a grant in the amount of \$93,433.00 for the operation of the Emergency Shelter; and

WHEREAS, the grant period is October 1, 2002 through September 30, 2003; and

WHEREAS, no local match is required.

NOW, THEREFORE, be it resolved that Mark D. Boughton, Mayor of the City of Danbury, is empowered to execute and deliver in the name and on behalf of the City of Danbury a certain contract with the Department of Social Services of the State of Connecticut for this Emergency Shelter and to affix the corporate seal.

The resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$93,433.00 for the operation of the emergency shelter was approved on the Consent Calendar.

5 – RESOLUTION – Historic Document Preservation Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Office of Public Records Administrator, will make grant funds available to municipalities through an Historic Documents Preservation Grant; and

WHEREAS, the State of Connecticut, Office of Public Records Administrator, will award these funds to the City of Danbury Town Clerk's office for use in Historic Document Preservation; and

WHEREAS, the City of Danbury is eligible to receive funds up to \$10,000.00; and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, as Mayor of the City of Danbury, or the Town Clerk as his designee, is hereby authorized to sign any documents necessary to effectuate the purposes of said grant application and receipt of such grant.

The resolution to apply for and accept grant funding from the State of Connecticut Office of Public Records Administration in the amount of \$10,000 for Historic Documents Preservation as described was approved on the Consent Calendar.

6 – RESOLUTION – State Grant Nitrogen Removal, Water Pollution Control Plant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Environmental Protection, will make grant funds available to municipalities; and

WHEREAS, the State of Connecticut, Department of Environmental Protection, will award these funds to the City of Danbury for use in studying the discharge of Nitrogen by the Water Pollution Control Plant; and

WHEREAS, the City of Danbury is eligible to receive funds of up to \$31,000.00; and

WHEREAS, a local cash match of \$9,000.00 if required.

NOW, THEREFORE, BE IT RESOLVED that Mark D. Boughton, as Mayor of the City of Danbury, is hereby authorized to execute and file applications, contracts and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for State grants pursuant to the provisions of Sections 22a-475 through 483 of the General Statutes of Connecticut, as amended, and to execute on behalf of the

City of Danbury all the applications, instruments, contracts and documents and accept payments and do all other things that may be necessary for state grants and loans.

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

7 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$75.00 from Teresa M. Kane. Mr. Dittrich 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.

8 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$75.00 for use by the Senior Center. Mrs. Basso made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Dittrich. Motion carried unanimously.

9 – COMMUNICATION - Appointment to the Aviation Commission

Letter from Mayor Boughton requesting the confirmation of the appointment of Joseph S. Bukowski to the Aviation Commission for a term to expire July 1, 2005. The appointment was confirmed on the Consent Calendar.

10 – COMMUNICATION – Appointment to the Conservation Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Matthew S. Antonetti to the Conservation Commission for a term to expire July 1, 2005. The appointment was confirmed on the Consent Calendar.

11 – COMMUNICATION – Transfer of Land to the Tarrywile Park Authority

Mr. McAllister asked that this be referred to an ad hoc committee, the Executive Director of Tarrywile and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members McAllister, Neptune and Basso to the committee.

12 – COMMUNICATION – Charter Violations – The roles of the City Clerk, Assistant Clerk and President of the Common Council

John Esposito asked that this be referred to a committee of the whole. Mayor Boughton so ordered.

13 – COMMUNICATION – Amended Ambulance Budget

Dean Esposito asked that this be referred to an ad hoc committee, the Director of Finance and a representative of BSI. Mayor Boughton so ordered and appointed Council Members Gogliettino, McAllister and Nolan to the committee.

14 – COMMUNICATION – Review of lots on South Street

Mrs. Basso asked that this be referred to the Zoning Enforcement Office and the Corporation Counsel for reports back within thirty days. Mayor Boughton so ordered.

15 – COMMUNICATION – Reconsideration of Appointment to the Candlewood Lake Authority – WITHDRAWN

16 – COMMUNICATION – Request for Sidewalk Repair on Main Street

Mr. McAllister asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and a representative of the tenants association. Mayor Boughton so ordered and appointed Council Members Saadi, John Esposito and Basso to the committee.

17 – COMMUNICATION – Acceptance of Logans Way as a City Road

Mr. Furtado asked that this be referred to the Corporation Counsel and the Director of Public Works for reports back within thirty days. Mayor Boughton so ordered.

18 – COMMUNICATION – Eminent Domain of Portion of Broad Street

Mr. Gogliettino asked that this be referred to the Director of Public Works and the Corporation Counsel for reports back within thirty days. Mayor Boughton so ordered.

19 – COMMUNICATION – Request to Accept Larson Drive

Report from Director of Public Works William Buckley recommending that Larson Drive be accepted as a City street subject to the submittal of satisfactory legal documents to the Corporation Counsel's Office. Acceptable record drawings for the roadway have been received. All construction issues have been addressed satisfactorily.

Larson Drive was approved as a City street subject to the above conditions on the Consent Calendar.

20 – COMMUNICATION – Request for Sewer Extension – 1 Kenosia Avenue

Mr. Moore asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Machado, Shuler and Dittrich to the committee.

21 – COMMUNICATION – Request for Sewer Extension – 67 Hospital Avenue

Dean Esposito asked that this be referred to an ad hoc committee, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Dean Esposito, Null and Basso to the committee.

22 – COMMUNICATION – Reappropriation of Donated Funds

Request from the Director of Elderly Services Leo McIlrath asking for a transfer of funds in the amount of \$533 from the Elderly Services donation Account to the Commission on Aging budget. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

23 – COMMUNICATION – Deferred Compensation Plan

Request from Director of Finance Dean Diorio for a review of an updated Administrative Services Agreement with Hartford Life Insurance Company, the City's service provider for the 457 deferred compensation plan. The request to enter into an Administrative Services Agreement with Hartford Life Insurance Company to service the City's deferred compensation plan as described, and authorize the Mayor, or his designees, to sign all documents was approved on the Consent Calendar.

24 – COMMUNICATION & RESOLUTION – Waiver of Bid for Purchase of Fire Pumper

Request from Purchasing Agent Charles Volpe asking for permission to waive the formal bidding procedure so that the City may enter into an agreement to lease/purchase a Pierce Saber Pumper.

RESOLVED by the Common Council of the City of Danbury:

Re: 2003 Pierce Saber Pumper Truck Lease/Purchase Agreement #5837

Amount to be financed: \$344,315.60

WHEREAS, the City of Danbury is a political subdivision of the State of Connecticut and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the City of Danbury Common Council is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the City of Danbury.

WHEREAS, the City of Danbury Common Council finds and determines that the execution of one or more lease purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Equipment Leases is appropriate and necessary to the functions and operations of the City of Danbury Fire Department.

WHEREAS, Municipal Services Group, Inc. ("Lessor") shall act as Lessor under said Equipment Leases.

NOW, THEREFORE, be it resolved that:

Section 1. Mark D. Boughton as Mayor is hereby authorized to negotiate, enter into, execute and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Common Council, which document is available for public inspection at the office of the City Clerk. Mayor Mark D. Boughton is further authorized to negotiate, enter into, execute and deliver such other documents relating to the Equipment Lease as necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 2. By a written instrument signed by Mayor Mark D. Boughton, said Mayor may designate specifically identified officers or employees of the City of Danbury to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the City of Danbury.

Section 3. The aggregate original principal amount of the Equipment Lease shall not exceed the amount stated above and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the City of Danbury and set forth herein.

Section 4. The City of Danbury's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Common Council as set forth in each Equipment Lease and the obligations of the City of Danbury under the Equipment Leases shall not constitute a general obligation of the City of Danbury or indebtedness under the Constitution or laws of the State.

Section 5. This resolution shall take effect immediately upon its adoption and approval.

Mr. McAllister made a motion to receive the communication, authorize the waiver of the bidding process and adopt the Resolution. Seconded by Mr. Furtado. Motion carried unanimously.

25 – COMMUNICATION – Road Maintenance – Marjorie Manor

Proposed road maintenance for Marjorie Manor. Mr. Moore asked that this be referred to an ad hoc committee, the Corporation Counsel and the Director of Public Works. Mayor Boughton so ordered and appointed Council Members McAllister, Null and Nolan to the committee.

26 – COMMUNICATION – Main Street North Redevelopment Plan – Draft

Mrs. Basso asked that this be referred to an ad hoc committee, the Executive Director of the Redevelopment Agency and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Moore, Buzaid and Nolan to the committee.

27 – COMMUNICATION – Denver Terrace Road Acceptance

Reports from the Corporation Counsel, the Director of Public Works and the Planning Commission recommending acceptance of Denver Terrace as a City road subject to the submittal of legal documents acceptable to the Corporation Counsel's Office as well as posting of a \$1,000.00 driveway apron bond in a form acceptable to the Highway Department.

Denver Terrace was approved as a City road, on the Consent Calendar, subject to conditions as described.

28 – COMMUNICATION – Request for Water Service – Ivy Lane

Mr. McAllister asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Boughton so ordered and appointed Council Members Mazzuchelli, Kelly and Basso to the committee.

29 – COMMUNICATION – Request for Water Main Extension – 11 South Cove Road

Report from Director of Public Works William Buckley recommending approval of this request for a water main extension, subject to the standard eight steps. The report was accepted and its recommendations adopted on the Consent Calendar.

30 – COMMUNICATION – Reports regarding request to Purchase Property Lot C12021

Reports from Assistant Corporation Counsel Les Pinter and Director of Public Works William Buckley that the request be denied. The reports were received on the Consent Calendar and the request to purchase property on Maplewood Drive denied.

31 – REPORT – Review of Proposed Revisions to the Wastewater Treatment Facility Service Agreement

Mr. Saadi submitted the following report:

The committee meeting was called to order at 7:05 P.M. on August 21, 2002 in the Third Floor Conference Room in City Hall by Chairman Thomas J. Saadi. In attendance were committee members Saadi and Kelly. Mrs. Basso was absent due to attendance at a concurrent committee meeting. Also in attendance were Superintendent of Public Utilities Mario Ricoszi and Lynn Waller, a member of the public.

Mr. Saadi read the call of the committee and asked Mr. Ricoszi to provide a brief history of the transfer of the management of the treatment facility to U.S. Filter and the underlying service agreement.

Mr. Ricoszi explained that the City transferred management of the facility to U. S. Filter in 1997 and that alterations had been made to the agreement in the past. Mr. Saadi asked for an explanation of the specific proposed revisions. Mr. Ricoszi explained that the trigger thresholds related to Total Suspended Solids (TSS) and BOD (amount of oxygen required to biologically breakdown the sewage) were being eliminated. Also, U. S. Filter has agreed not to charge the City for costs U. S. Filter incurred that pursuant to the triggers the City is responsible for.

Mr. Ricoszi explained that since the City added the Marjorie Water plant to the service agreement the TSS levels have increased. Mr. Ricoszi further explained that the allowable flow has been increased from 10.1 million gallons to 11.1 million gallons with the trigger set at 15% above or below the 11.1 number.

Mr. Kelly asked about the amount of out of region septage brought to the facility. Mr. Ricoszi explained that since the Common Council increased the out of region pumping fees that the number of gallons brought to the facility has decreased, but that revenue has not.

Mr. Ricozzi explained that the revisions establish a cost sharing formula for abating odor at the facility wherein the City would contribute up to 35% of the cost for new odor control chemicals purchased by U. S. Filter – total cost to the City would be approximately \$25,000.

Mr. Kelly asked about the “Administrative Fee” that the City pay to U. S. Filter. Mr. Saadi explained that the fee is what the City pays U. S. Filter to manage the facility. Mr. Ricozzi added that the new administrative fee includes two new pump stations, Plumtrees and Larson Drive and COLAs. Mr. Saadi asked about the cost and need for the Plumtrees station. Mr. Ricozzi stated that the developers were sharing the cost of the new pipes and that the pump station was necessary to serve the new homes.

Mr. Kelly asked about the dates that the revision would be effective. Mr. Ricozzi stated that the dates have to be moved back.

There was a discussion regarding odor problems. Mr. Ricozzi stated that the City has been trying to address the odor problem through increased fees for non-regional haulers and that the City has allocated capital improvement funds for odor control.

Mr. Kelly made a motion to approve the revisions with the alteration of the dates to add the pump stations from July 1, 2002 to October 1, 2002, and the date for the odor control chemical cost share from July 1, 2002 to September 1, 2002. The motion was seconded by Mr. Saadi and passed unanimously.

Mr. Kelly made a motion to adjourn the meeting at 7:45 P.M.

Dean Esposito moved to receive the report and adopt its recommendations. Seconded by Mr. Moore. Motion carried with Mrs. Basso voting in the negative.

32 – REPORT – Husky Outreach Program

Mr. Moore submitted the following report:

The Common Council Committee appointed to review the request for funding for the HUSKY Outreach Program met on August 28, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore, Dean Esposito and Basso. Also in attendance were Director of Welfare Deborah MacKenzie, Director of Finance Dena Diorio, Council Member Vincent Nolan, ex-officio, Ann Faraguna, Executive Director of the Visiting Nurse Association, Susan Giglio, Director of the HUSKY Program for the VNA and members of the public.

Ms. MacKenzie described the basis of the July 11th report from the Director of Welfare and the Director of Health. The funds are to be used for payment of outreach staff time. It will allow the Visiting Nurse Association more time to secure additional funding sources. If this request is not approved, the VNA will move to close the program. Ms. Faraguna provided an overview of the outreach services, which assist with the application process, the renewal process and organization of the outreach efforts. Ms. Giglio reviewed the VNA outreach services, interaction with local businesses, community and religious organizations. She reviewed the differences between the HUSKY A Program and the HUSKY B Program. She stated that 85% of the clientele is from Danbury.

Mr. Moore asked Ms. Faracuna about sources of funding. She responded that \$40,000 is needed per twelve months of this calendar year; \$10,000 has been committed from Danbury Children First, \$20,000 sought from the City and \$10,000 committed from Congressman Maloney. Mr. Moore asked the Director of Finance if these funds are available. She stated that the funds are available from the Contingency Account.

Dean Esposito made a motion to recommend approval of \$20,000 as requested to fund the VNA's HUSKY outreach services, pending certification from the Director of Finance. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Nolan made a motion to receive the report and authorize the expenditure of funds. Seconded by Mr. Scozzafava. Mr. McAllister moved to amend the motion to

state that any allocated money should be used for residents of the City of Danbury only. Seconded by Mr. Saadi. Motion to amend passed with Mr. Kelly voting in the negative.

After discussion, Mr. Furtado made a motion to move the question, which carried.

Motion, as amended, carried with Mr. Gogliettino abstaining.

33 – REPORT and ORDINANCE – Blight

Mr. Moore submitted the following report:

The Common Council Committee appointed to review a blight ordinance met three times, on March 27, 2002, June 19, 2002 and August 20, 2002. In attendance at the March 27th were committee members Moore and Basso. Mrs. Neptune was absent. Also in attendance were Paul Schierloh of the Health Department, Assistant Corporation Counsel Les Pinter and Council Members Levy and Dittrich, ex-officio. Present at the June 19th meeting were Council Members Moore and Basso. Mrs. Neptune was absent. Also in attendance were Building Inspector Leo Null, Fire Marshall Barry Rickert, Director of Public Health William Campbell, Assistant Corporation Counsel Les Pinter, Mayoral Aide Greg Williams and Council President Warren Levy, ex-officio. In attendance at the August 20, 2002 were Committee Members Moore and Basso. Mrs. Neptune was absent. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Health William Campbell, Paul Schierloh of the Health Department, Mayor Mark Boughton, Council President Warren Levy, ex-officio and members of the public.

At the March 27th meeting Mr. Moore stated that there had been a request from Mayor Boughton to enact a blight ordinance. The first order of business was to establish a definition of blight. Attorney Pinter stated that there is no one definition of blight. Properties that have not been properly maintained need to be identified. Nuisance issues and health issues are also considerations. Mr. Schierloh stated that the Health Department follows the State Health Code and State Statutes. The Connecticut Public Health Code covers any nuisance such as health hazards, garbage and vermin. The Director of Health has certain powers of enforcement. The Danbury Housing Code applies to rentals and deals with structures and surrounding areas. Mr. Schierloh stated that the weakness in dealing with abandoned houses or property is it stops with vacant buildings. The Building Code can only have vacant buildings torn down.

At the June 19th meeting, Mr. Moore asked Attorney Pinter how to proceed with the creation of an ordinance. Attorney Pinter stated that blight needs to be very clearly defined. An ordinance should include health and building issues as well as general issues such as dangerous situations in the community. The second paragraph should define blight. Other definitions pertaining to health, housing and vehicles should be included. The next paragraph should address enforcement. State Statutes provide a mechanism for issuing fines up to a certain amount, which would be a lien against the property. The statute does not allow for anything other than the fine. An alternative is to petition the legislature to amend the statute to include the costs of enforcement.

At the August 20th meeting Attorney Pinter reviewed sections of the proposed ordinance. Attorney Pinter stated that the language of the ordinance attempted to tightly define the role of a blight inspector. Mr. Campbell stated that he is concerned that the ordinance does not allow the elderly sufficient time to answer a citation. He asked if the ordinance could be revised to include commercial properties. Attorney Pinter stated that the enabling legislation strictly limits blight mitigation efforts to housing. The Building Code may be used to mitigate blighted commercial properties. Mayor Boughton explained his intentions for use of the blight enforcement inspector. He needs the flexibility to either appoint or hire a blight enforcement inspector.

Mrs. Basso made a motion to recommend approval of the ordinance as written. Seconded by Mr. Moore. Motion carried unanimously.

Mr. Levy made a motion to receive the communication. Seconded by John Esposito. After discussion, Mr. Nolan asked that the ordinance be deferred to public hearing. Mayor Boughton so ordered.

34 – COMMUNICATION – Pending Litigation (Executive Session)

Mr. Gallagher asked that this be deferred to the end of the agenda. Seconded by Mr. Nolan. Motion carried unanimously.

35 – DEPARTMENT REPORTS – Public Works, Police Chief, Fire Chief, Fire Marshall, Health and Housing, Department of Elderly Services

Mr. Levy made a motion to receive the department reports and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Dean Esposito. John Esposito requested that the Mayor require all department heads to attend Common Council Meetings. Mayor Boughton said he would certainly have department heads or their representatives attend future meetings. Motion carried unanimously.

Mr. Saadi made a motion to enter into executive session at 9:05 P.M. Seconded by Mr. Dittrich. Motion carried unanimously.

The Common Council reconvened in public session at 10:27 P.M.

34 – Mr. Saadi made a motion to approve the settlement as discussed in executive session and authorize the Mayor to sign all necessary documents. Seconded by Mr. Nolan. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Nolan at 10:30 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk