

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held November 7, 2002

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

**PRESENT** – Nolan, McAllister, Null, Kelly, Mazzuchelli, Buzaid, Dean Esposito, Machado, Shuler, Scozzafava, Levy, John Esposito, Saadi, Dittrich, Darius, Furtado, Gogliettino, Moore, Setaro

**ABSENT** – Basso, Neptune

19 PRESENT – 2 ABSENT

Mrs. Basso was ill

### **PUBLIC SPEAKING**

Herb Krate, 4 Alan Road, Lake Waubeeka – he is dismayed to see that the Airport study was taken off the Consent Calendar. They have worked eight or nine years to get this study and he strongly urged that it be put back on the Consent Calendar.

Michael Pascuzzi, 55 Mill Plain Road – He is in favor of points for volunteer firefighters and in favor of the defibrillators.

**MINUTES** – Minutes of the Common Council Meeting held October 1, 2002 and the Special Common Council Meeting held October 21, 2002. Mr. Levy made a motion to accept the minutes as presented and waive the reading as all members have copies, which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Darius. Motion carried unanimously.

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

- 1 – Adopt the resolution to authorize the Mayor or his designee to periodically reappropriated School Based Health Center revenue funds for the use of Center, with the approval of the Director of Finance
- 2 – Adopt the resolution to authorize acquisition of easements to facilitate the Tarrywile Lake Dam improvements as described
- 3 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$19,141.37 for the Danbury Health and Housing Bioterrorism Response Preparedness
- 4 – Adopt the resolution to abate property taxes at Beaver Street Apartments Cooperative, Inc. and modify a tax abatement agreement with the State of Connecticut as described
- 5 – Adopt the resolution to apply for and accept grant funding from the State of Connecticut Department of Transportation in the amount of \$5,800 for the Driving Under the Influence Enforcement Program
- 6 – Adopt the resolution to apply for and accept grant funding from the State of Connecticut Department of Transportation in the amount of \$38,250 for the Expanded Driving Under the Influence Enforcement Program
- 7 – Adopt the amended resolution to the lease/purchase agreement for the Fire Department vehicles as described
- 8 – Adopt the resolution to authorize the assignment of water, sewer and tax liens to American Tax Funding, LLC with Foothill Capital Corporation as a secured party as described

- 9 – Adopt the resolution to approve making application to the U. S. Department of Environmental Protection for Brownfields grant as described
- 11 – Approve the appointment of Nicholas Kurjiaka, Alexius Paraway, Cadarel Carmack, Bindiya Patel and Jose Arriaga to the Danbury Youth Commission as Youth Advisors
- 12 – Approve the appointment of Benjamin Chianese as a member of the Environmental Impact Commission
- 13 – Approve the appointment of Regina Ofiero to the Lake Kenosia Commission
- 26 – Approve the transfer of \$959 from the Elderly Services Donations Account to the Commission on Aging budget as described
- 30 – Approve the amended lease with Reliant Aircraft Service, Inc. as described
- 34 – Authorize the Corporation Counsel's Office to acquire easements required for the East Ditch drainage system as described
- 35 – Approve the sanitary sewer line extension on Maple Avenue subject to the standard eight steps
- 36 – Receive the reports regarding zoning enforcement on South Street
- 37 – Approve Logan's Way as a City street subject to conditions as described in department reports
- 39 – Approve Orchid Drive, Lilac Lane, Aster Drive and Ashley Court as City streets subject to conditions as described in reports
- 40 – Receive the report regarding unauthorized all-terrain vehicles at Tarrywile Park and approve the recommendation
- 41 – Receive a report regarding Hawthorne Cove Road and approve the recommendations
- 42 – Receive a report regarding damages at 60 West Wooster Street and approve the recommendations subject to certification of funds by the Director of Finance
- 44 – Receive a report regarding sanitary sewer assessment at Windaway Road and approve the recommendations
- 45 – Receive a report regarding preliminary sewer assessment in the Germantown Area and approve the recommendations
- 48 – Receive a report regarding the Use of Sidewalks Ordinance and approve the recommendation
- 49 – Receive a report regarding the Blight Ordinance and approve the recommendations
- 50 – Receive a report regarding sewer extension at 9 Forest Avenue and approve the recommendation
- 51 – Receive a report regarding water extension at Lakeview and approve the recommendation
- 52 – Receive a report regarding water assessment at 7 and 9 Moody Lane and approve the recommendation
- 53 – Receive a report regarding water extension on Great Plain Road and approve the recommendation
- 54 – Receive a report regarding water extension on Ivy Lane and approve the recommendation

- 55 – Receive a report regarding repairs to the sidewalk on South Main Street and approve the recommendations
- 56 – Receive a report regarding sewer extension at 23, 25 and 29 Sugar Hollow Road and approve the recommendations
- 57 – Receive a report regarding sewer and water extensions at 91 Miry Brook Road and approve the recommendations
- 58 – Receive a report regarding Civil Service Test Benefits and approve the recommendations
- 59 – Receive a report regarding Pleasant Acres Homeowners Association water problems and approve the recommendations
- 60 – Receive a report regarding Office of Emergency Management Director and approve the recommendations
- 61 – Receive a report regarding sewer extension at 45 Miry Brook Road and approve the recommendation
- 62 – Receive a report regarding defibrillators in municipal buildings and approve the recommendations subject to the certification of funds by the Director of Finance
- 64 – Adopt the resolution to apply for grant funding in conjunction with the Housatonic Valley Council of Elected Officials from the Federal Highway Administration for streetscape improvements along Main Street as described.

1 – RESOLUTION – School Based Health Center

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to approved provider agreements, various healthcare providers make periodic payment to the Danbury School Based Health Center for services provided; and

WHEREAS, these payments are deposited into the School Based Health Care Fees Fund, as revenue collected; and

WHEREAS, it is deemed in the best interest of the City of Danbury that such School Based Health Center care revenue be regularly reappropriated for continuing use in the purchase of miscellaneous supplies or services to assist in the operation of the School Based Health Care Program for the City of Danbury;

NOW, THEREFORE BE IT RESOLVED THAT Mayor Mark D. Boughton or his designee, the School Based Health Center Coordinator, be and hereby is authorized to periodically reappropriated School Based Health Center revenue funds for the use of the Center, with the approval of the Director of Finance, including such actions necessary in order to accomplish the purposes hereof.

The Resolution to authorize the Mayor or his designee to periodically reappropriate School Based Health Center revenue funds for the use of the Center, with the approval of the Director of Finance, was adopted on the Consent Calendar.

2 – RESOLUTION – Tarrywile Park Dam Acquisition of Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has received an order from the State of Connecticut Department of Environmental Protection to repair the Tarrywile Lake Dam; and

WHEREAS, the City is in the process of obtaining authority to execute certain funding agreements with the CTDEP for purposes of designing, repairing and maintaining the Dam; and

WHEREAS, in order to accomplish the work required, certain easements will need to be acquired, either by negotiation or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to continue the process to acquire said rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of the Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBIT A attached hereto, in accordance with procedures established in State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by May 5, 2003.

The Resolution to authorize the acquisition of easements to facilitate the Tarrywile Lake Dam improvements as described was adopted on the Consent Calendar.

### 3 – RESOLUTION – Bioterrorism Response Preparedness Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Center for Disease Control and Prevention, through the Connecticut Department of Public Health has made grant funds available to local health departments to provide for the assessment of local health emergency response capability, the development of local and regional response plans and the training of local health department staff, for the period of April 1, 2002 through August 30, 2003; and

WHEREAS, for the time period of April 1, 2002 through August 30, 2003, grant funds not to exceed \$19,141.37, requiring no local match, will be made available to the Danbury Health and Housing Department for the Bioterrorism Response Preparedness Grant; and

WHEREAS, the Danbury Health and Housing Department will provide the assessment, planning and training services called for in the grant.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury or William J. Campbell, Director of Health, as his designee, is authorized to apply for said grant and to accept the grant award on behalf of the City of Danbury, if such award is made. Any prior actions of the Mayor or the Director of Health regarding this application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof, which do not require expenditure of the City funds, with the Connecticut Department of Public Health regarding said grant, and to take all actions necessary to accomplish the purposes of the grant.

The resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$19,141.37 for the Danbury Health and Housing Bioterrorism Response Preparedness was adopted on the Consent Calendar.

### 4 – RESOLUTION – Beaver Street Apartment Cooperative, Inc. Abatement from the State of Connecticut

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under 8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$1,856,300.00; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed \$28,500.00 for the Grand List of October 1, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;
2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and recisions of said contract in the name of and on behalf of the City of Danbury;
3. That the real property taxes abated on the subject property are not to exceed \$28,500.00 for the Grand List of October 1, 2001;
4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of 12-167 of the Connecticut General Statutes as amended;
5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;
6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

The Resolution to abate property taxes at the Beaver Street Apartments Cooperative, Inc and modify a tax abatement agreement with the State of Connecticut as described was adopted on the Consent Calendar.

5 – RESOLUTION – Driving Under the Influence Safety Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of \$5,800.00 for the 2002 Thanksgiving/Christmas/New Years Driving Under the Influence Enforcement Program; and

WHEREAS, an equal local cash match is required in order to reach the total cost of the program, which is \$11,600.00.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

The resolution to apply for and accept the grant funding from the State of Connecticut Department of Transportation in the amount of \$5,800 for the Driving Under the Influence Enforcement Program was adopted on the Consent Calendar.

6 – RESOLUTION – Driving Under the Influence Safety Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of \$38,250.00 for the 2003 Expanded Driving Under the Influence Enforcement Program; and

WHEREAS, a 25% local cash match in the amount of \$12,750.00 is required in order to reach the total cost of the program, which is \$51,000.00.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

The resolution to apply for and accept grant funding from the State of Connecticut Department of Transportation in the amount of \$38,250 for the Expanded Driving Under the Influence Enforcement Program was adopted on the Consent Calendar.

7 – RESOLUTION – Lease/Purchase of Municipal Vehicles

RESOLVED by the Common Council of the City of Danbury:

Re: Amended Resolution  
2003 Pierce Saber Pumper Truck/Ford F250 Truck/Four (4) Ford Taurus LX  
Vehicles

Amount to be financed: \$437,474.20

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 hereby 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 in 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 statement 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 Leases 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 effective immediately upon its adoption and approval.

The amended resolution to the lease/purchase agreement for the Fire Department vehicles as described was adopted on the Consent Calendar.

8 – 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, Connecticut General Statutes 7-239 and 7-258 authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid water and sewer use charges, respectively; 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 grant lists of October 1, 1998, October 1, 1999, October 1, 2000 and October 1, 2001, to ATF, with Foothill Capital Corporation as a secured party, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City; and

WHEREAS, the assignment of certain water and sewer liens, with Foothill Capital Corporation 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, with Foothill Capital Corporation as a secured party, 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, October 1, 2000 and October 1, 2001 and having a value of \$745,686.87 (less any amounts paid on or after October 31, 2002) as well as the assignment of certain water and sewer liens having a value of \$105,344.15 (less any amounts paid on or after October 31, 2002) and that Mayor Boughton be and hereby is further authorized to executed any agreements or amendments thereto as may be required to accomplish the purposes hereof.

The resolution to authorize the assignment of water, sewer and tax liens to American Tax Funding, LLC with Foothill Capital Corporation as a secured party as described was adopted on the Consent Calendar.

9 – RESOLUTION – EPA Grant – Brownfields

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the current Brownfield grant for the environmental assessment of sites which may be contaminated due to industrial pollution is expected to be depleted by the end of November; and

WHEREAS, The United States Department of Environmental Protection is again requesting grant proposals from municipalities for purposes of conducting such investigations and assessments; and

WHEREAS, the City of Danbury is desirous of making application for said grant(s) in order to conduct local investigations and assessments; and

NOW, THEREFORE BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, be and hereby is authorized to make application for said EPA Brownfield grant(s) in order to investigate and assess contaminated sites, and that Mayor Boughton is further authorized to take such other and necessary actions to effectuate the purposes hereof.

The resolution to approve making application to the U. S. Department of Environmental Protection for Brownfield grant as described was adopted on the Consent Calendar.

10 – RESOLUTION – Airport Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Aviation Administration of the United States Department of Transportation and the Bureau of Aeronautics of the Connecticut Department of Transportation make airport improvement funds available through the Airport Improvement Act of 1987; and

WHEREAS, the City of Danbury wishes to obtain funding for the continuation of a FAR Part 150 Noise Compatibility Study at the Danbury Municipal Airport in order to enhance and improve operations; and

WHEREAS, the total funding of said study through the grant is anticipated to be \$292,575.00, of which \$263,318.00 is the federal share, \$21,943.00 is the State share and \$7,314.00 is the local share, to be funded locally; and

WHEREAS, the City wishes to prepare and submit an application to the FAA and the Bureau of Aeronautics for said funding.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized, contingent on availability and certification of funding, to make application for federal and state funding for the purposes of the Noise Compatibility Study and to take such other actions as may be necessary in order to accomplish the purposes hereof.

Mr. Levy made a motion to receive the communication and adopt the resolution subject to certification by the Director of Finance. Seconded by Mr. Nolan. Motion carried unanimously.

11 – COMMUNICATION – Appointment as Youth Advisors to the Youth Commission

Letter from Mayor Mark Boughton requesting confirmation of the appointments of Nicholas Kurjiaka, Bindiya Patel, Alexius Parraway, Jose Arriaga, and Cadarel Carmack as Youth Advisors to the Youth Commission. The appointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Benjamin Chianese to the Environmental Impact Commission for a term to expire December 1, 2004. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Reappointment to the Lake Kenosia Commission

Letter from Mayor Boughton requesting confirmation of the reappointment of Regina Ofiero to the Lake Kenosia Commission for a term to expire May 1, 2005. The appointment was confirmed on the Consent Calendar.

14 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation in the amount of \$3,200 from Wal-Mart to be applied to the purchase of a defibrillator. 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. McAllister. Motion carried unanimously.

15 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from the Director of Elderly Services Leo McIlrath requesting permission to accept donations in the amount of \$300 from Green Funeral Home, \$25 from Carolyn Doyle, \$50 from Village at Brookfield Commons, \$25 from St. Joseph Fifty Five Plus Club and \$8.00 from William Walton for the use of the Senior Center. Mr. Gogliettino made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

16 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski regarding permission to accept the donation of a 2003 Honda Odyssey van for use by the Fire Prevention and Education Bureau. Fair Honda will donate a 2-year lease valued at \$12,000. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Nolan. Motion carried unanimously.

17 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$81.60 from the Danbury Garden Club. Mr. Moore made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Dittrich. Motion carried unanimously.

18 – COMMUNICATION – Request for Funds for Family & Children's Aid

Request from Family & Children's Aid for the sum of \$7,500 to aid in the cost of repairs to a broken water line at 79 West Street. Mr. Darius 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 – Danbury Railyard Proposed Budget

A proposed budget for the Danbury Railyard Parking in the amount of \$28,000 submitted by the Director of Finance. Mr. Levy made a motion to receive the communication and adopt the budget with the following changes: Administration from \$2,000 to \$3,600 and Cleaning Services from \$6,024 to \$6,970. Seconded by Mr. Gogliettino. Motion carried unanimously.

20 – COMMUNICATION – Request for Waiver of Connection Fee

Request for a waiver of a sewer connection fee for the Danbury Square Box building on Broad Street. Mr. Furtado asked that this be referred to the Corporation Counsel for a report back within thirty days. Mayor Boughton so ordered.

21 – COMMUNICATION – Request for Water Extension at 24 Clapboard Ridge Road

Mr. McAllister 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 Scozzafava, McAllister and Moore to the committee.

22 – COMMUNICATION – Willow Lane and Berkshire Place

Request for attention to conditions on Willow Lane and Berkshire Place. Dean Esposito asked that this be referred to an ad hoc committee and the Director of Public Works. Mayor Boughton so ordered and appointed Council Members Buzaid, Machado and Nolan to the committee.

23 – COMMUNICATION – Request for the City to Maintain Cedar Road

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

24 – COMMUNICATION – Donation to the City Shelter

Letter from Director of Welfare Deborah MacKenzie requesting permission to accept a donation in the amount of \$100 from Cuong Huy Bui. Mr. McAllister made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

25 – COMMUNICATION – Old Sherman Turnpike

Petition from residents requesting that the City address the issue of widening the narrow bridge and finding another means of egress for Old Sherman Turnpike. Mr. Moore 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.

26 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath requesting a transfer of funds in the amount of \$959 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.

27 – COMMUNICATION – Deferred Compensation Plan

Letter from Director of Finance Dena Diorio requesting approval of an amendment to the City's Deferred Compensation Plan. The amendment will bring the Plan into compliance with the changes in the federal law brought about by the Economic Growth and Tax Relief Reconciliation Act of 2001. Mr. Nolan made a motion to receive the communication and approve the amendment and authorize the Mayor to sign all necessary documents. Seconded by Mr. McAllister. Motion carried unanimously.

28 – COMMUNICATION – Affordable Housing Fund

Request from Paul Schierloh, Acting Chair of the Danbury Housing Partnership requesting that \$3,500 be expended from the Affordable Housing Fund to co-sponsor a credit counseling and home ownership education program. A certification of Funds was attached. Mr. McAllister made a motion to receive the communication and authorization the appropriation of \$3,500 from the Affordable Housing Fund. Seconded by Mr. Gogliettino. Motion carried unanimously.

29 – COMMUNICATION – Danbury Railway Museum Lease Modification

Letter from Assistant Corporation Counsel Eric Gottschalk asking that the current lease be modified to include the entire first floor space. Mr. Gogliettino made a motion to approve the modification of the lease. Seconded by Mr. Nolan. Motion carried unanimously.

30 – COMMUNICATION – Reliant Aircraft Service, Inc. Lease

Letter from Assistant Corporation Counsel Laszlo Pinter requesting approval of corrected language to read \$5100 per acre plus CPI. The annual rent should be \$5758.41 plus CPI. The amended lease with Reliant Aircraft Service, Inc. as described was approved on the Consent Calendar.

31 – COMMUNICATION – New England Aircraft Sales Lease

Mr. Darius asked that this be referred to an ad hoc committee, the Corporation Counsel, the Airport Administrator and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Furtado, Moore and Dittrich to the committee.

32 – COMMUNICATION – Request for Sewer and Water Extensions – Terre Haute Road

Mr. Machado 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 Nolan, Gogliettino and Kelly to the committee.

33 – COMMUNICATION – Proposed Sanitary Sewers – Old Shelter Rock Road and Woodside Avenue

John Esposito made a motion for the project to proceed and then go to public hearing. Seconded by Mr. Dittrich. Motion carried unanimously.

34 – COMMUNICATION & RESOLUTION – East Ditch Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision Squared bond package, is proceeding, through plans and designs, to make necessary improvements to the East Ditch Storm Sewer; and

WHEREAS, as one phase to said proposed improvements, the City will have to obtain five (5) easements from property owners in order to accomplish project goals; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D and E attached hereto; and

WHEREAS, said easements will have to be acquired either by negotiation with the property owners or by eminent domain, if such negotiations are unsuccessful; and

WHEREAS, it is in the best interest of the City of Danbury to acquire said rights and proceed with the work required.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D and E attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by May 1, 2003.

The Corporation Counsel's Office was authorized, on the Consent Calendar, to acquire easements required for the East Ditch Drainage System as described and the Resolution approved.

35 – COMMUNICATION – The Maples/Maple Avenue

Request from Director of Public Works William Buckley that sewer extension be approved consistent with the standard eight steps for the above matter. Modifications to the sewer line required a new line to be installed. The sanitary sewer line extension on Maple Avenue was approved on the Consent Calendar subject to the standard eight steps.

36 – COMMUNICATION – Reports regarding Lots on South Street

Reports from the Zoning Enforcement Office and the Corporation Counsel's Office stating that new action has been commenced regarding the above matter. The reports were received on the Consent Calendar.

37 – COMMUNICATION – Acceptance of Logans Way – Westville Estate Phase II

Reports from the Director of Public Works and the Corporation Counsel recommending that Logans Way be accepted as a City road. Logans Way was accepted as a City road, on the Consent Calendar, subject to conditions as described in the reports.

38 – COMMUNICATION – Reports regarding Lease of Land on Garamella Boulevard

Reports from the Corporation Counsel, the Director of Planning and the Director of Public Works regarding leasing of land on Garamella Boulevard to be used for parking. Mr. Nolan made a motion to receive the reports and take no action. Seconded by John Esposito. Motion carried unanimously.

39 – COMMUNICATION – Reports regarding Toll Lane

Reports from the Assistant Corporation Counsel and the Director of Public Works recommending that Orchid Drive, Lilac Drive, Aster Drive and Ashley Court be accepted as City roads. Orchid Drive, Lilac Lane, Aster Drive and Ashley Court were approved as City roads, on the Consent Calendar, subject to conditions as described in reports.

40 – REPORT – Unauthorized All-Terrain Vehicles at Tarrywile Park

Dean Esposito submitted the following reports:

The Common Council Committee appointed to review unauthorized all-terrain vehicles at Tarrywile Park met on September 23, 2002 at 7:25 P.M. in City Hall. In attendance were committee members Dean Esposito, Gogliettino and Scozzafava. Also in attendance were Police Captain Arthur Sullo, Executive Director of Tarrywile Park Sandy Moy, Mark Nolan and other members of the Tarrywile Park Authority.

Dean Esposito asked Ms. Moy for an overview of what was happening at the park. She explained the problems they are having with the power motorbikes and ATVs entering the park at different locations and doing damage to the grounds and hiking trails.

Captain Sullo gave an overview of what he thought the police could do to help, and suggested the park look into a full-time ranger, someone with a police background. This would give the Ranger the power to arrest and fine the individual. He also said he would look into helping the park post signs on its borders. Dean Esposito suggested that those homeowners who live around the Park start a Neighborhood Watch Program. They would call the police if they see anyone entering the park on a motorized vehicle.

Mr. Gogliettino made a motion to recommend that this be referred to the Corporation Counsel to draft an ordinance that would restrict all non-registered motorized vehicles in city parks without permission from the appropriate City departments. Mr. Scozzafava seconded the motion. Mr. Gogliettino asked that the ordinance be patterned after an ordinance entitled "Morgantown" from a list supplied by Captain Sullo. Mr. Scozzafava asked that we apply large fines and look into a three-strike fine process with the third strike being loss of the vehicle. The motion carried unanimously.

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

41 – REPORT – Request to Review Hawthorne Cove Road

Dean Esposito submitted the following report:

The Common Council Committee appointed to review Hawthorne Cove Road met on September 23, 2002 at 7:50 P.M. in City Hall. In attendance were committee members Dean Esposito and Vincent Nolan. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Austin Water, President of Hawthorne Cove Association and other property owners.

Dean Esposito asked Mr. Waterman for an overview of what the property owner's feelings are on the release of \$80,000 that is currently being held in an account for improvements to the road. Mr. Waterman explained that some owners have concerns that the road was still in need of repair, and if the City of Danbury was going to do the work. Mr. Buckley stated that the road has been brought up to City standards with upgrades and drainage and would be maintained on the City schedule in the future. Mr. Buckley also asked that all easements be signed so that they could be recorded on the City land records before the deed is signed over. Mr. Waterman stated that most of the owners were ready to sign the easements over to the City.

Mr. Nolan made a motion to recommend that the \$80,000 earmarked for Hawthorne Cove road improvements be released and moved to the Highway Department line item for use on other highway projects, and that the deed be signed over after all needed easements are signed and recorded on the City land records. The motion was seconded by Dean Esposito and passed unanimously.

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

#### 42 – REPORT – Payment of Damages at 60 West Wooster Street

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request for payment of damages at 60 West Wooster Street met on September 23, 2002 at 6:45 P.M. in Conference Room 3C in City Hall. In attendance were committee members Dean Esposito, Buzaid and Basso. Also in attendance were Assistant Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley and the petitioners, Mr. and Mrs. Russell Newbold.

Dean Esposito asked Mr. Newbold for an overview of what happened and why he feels the City of Danbury should pay for damages. Mr. Newbold explained how he had purchased the home in January of this year, and after doing extensive work to the home, found a drainage problem to the sewer line. After hiring a contractor to determine what happened, and to solve the problem, it was found that the sewer pipe to the main line had been damaged. The contractor felt this might have happened during the installation of a new main pipeline on West Wooster Street. He was asking to be reimbursed for only the cost of repairs to his line. Mr. Buckley stated that the pipe could have been damaged during the installation of the new main without the city contractor knowing. His feeling was that the City and the contractor should bare the cost for reimbursement to the homeowner.

Attorney Gottschalk asked if Mr. Newbold had contacted the contractor or its insurance provider. Mr. Newbold said he did, but at first they did not feel they should pay. After a number of calls to the provider, they determined that they would pay up to 50% of the damages.

Mrs. Basso made a motion to recommend that the City pay the balance of damage costs after all insurance payments, not to exceed \$2,127.00 with payment coming from the Water Fund. Seconded by Dean Esposito and passed unanimously.

The report was received on the Consent Calendar and its recommendations approved subject to certification of funds by the Director of Finance.

#### 43 – REPORT – Main Street North Redevelopment Plan

Mr. Moore submitted the following report:

The Common Council Committee appointed to review the Main Street North Redevelopment Plan met on October 28, 2002 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Moore and Buzaid. Also in attendance were Director of Planning Dennis Elpern, Mayoral Aide Michael McLachlan, Robert Talarico from the Bishop Curtis Homes, Associate Corporation Counsel Ray Yamin, Council President Warren Levy, ex-officio and Lynn Waller.

Mr. Moore asked Mr. Elpern to explain the concepts within the plan. Mr. Elpern stated that the area encompasses 1.9 acres and includes eight properties located along Main Street between East Franklin Street and Laurel Gardens. The City has approved bond funds for acquisition of the eight parcels. With the approvals of the Common Council and the Planning Commission, the City will attempt a negotiated acquisition of these parcels. If negotiations were unsuccessful, the City would utilize powers of eminent domain. Eminent domain would require the City to enact the Uniform Relocation Assistance Act.

Mr. Moore asked how the fair market value would be established for the parcels. Mr. Elpern said the Redevelopment Agency would seek two independent appraisals. Mr. Elpern review the types of properties encompassed within the project area.

mentioned that the City would sell the land for development once the proposals were received. Housing seems to be the most preferred use of the sites.

Mr. Buzaid made a motion to authorize the Danbury Redevelopment Agency to proceed with the necessary steps to enact the Main Street North Redevelopment Plan, pending the positive recommendation of the Planning Commission. Seconded by Mr. Moore. Motion carried unanimously.

#### 44 – REPORT – Sanitary Sewer Assessment – Windaway Road

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on October 21, 2002 immediately following a public hearing.

Mr. Buckley stated that this is one property, which is valued at \$19,500. The same formula is used.

Mr. McAllister made a motion to recommend approval of the sanitary sewer assessment on Windaway Road. Seconded by Mr. Nolan. Motion carried unanimously.

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

#### 45 – REPORT – Preliminary Sewer Assessment – Germantown Road

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on October 21, 2002 immediately following a public hearing in City Hall.

Mr. McAllister made a motion to recommend approval of the preliminary assessments for the Germantown area sewers. Seconded by Mr. Saadi.

Mr. Buckley stated that areas of Great Plain Road, Shepard Road, Sandpit Road, Germantown Road, Michaud Road, Starr Road, Deerfield Avenue, Old Newtown Road and Beaver Brook Road are involved in this project. Not all are connected. These are small extensions. He explained the assessment methodology used as required in the Code of Ordinances.

Mr. Furtado asked if everyone would hook up. Mr. Buckley said he would not force anyone to hook up unless there is a health hazard. John Esposito asked when the project would get under way. Mr. Buckley said it will be bid in the winter and construction should begin in the spring of 2003.

Motion carried with Chris Setaro abstaining.

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

#### 46 – REPORT & ORDINANCE – Assistant Director of Finance

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on October 21, 2002 immediately following a public hearing in the Common Council Chambers.

Mr. Nolan made a motion to make a favorable recommendation regarding this ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

Be it ordained by the Common Council of the City of Danbury:

Sec. 2-66.3.1 Assistant director of finance; position created; duties; qualification; Appointment

- (a) Position created. There is hereby created, within the department of finance, the position of assistant director of finance.
- (b) Duties. The assistant director of finance shall assist the director of finance in the administration of the financial affairs for the city. The assistant director of finance shall assist the director in the supervision of the department of finance, in the supervision of accounting functions of the city and in the maintenance and supervision of the general accounting system for all departments, offices, boards, commissions or agencies of the city.
- (c) Qualifications. No person shall be appointed assistant director of finance unless:
  - (1) Said person shall have graduated from a four-year college, with a minimum of twenty-four (24) semester hours of major courses in accounting and/or finance or shall possess such other qualifications as shall be deemed sufficiently equivalent by the Director of Finance, in consultation with the Director of Personnel; and
  - (2) Said person shall have had a minimum of three (3) years' experience in the area of municipal accounting or shall have employed for a period of not less than three (3) years in active participation on municipal audits with a certified public accounting firm; and
  - (3) Said person shall have met all of the qualifications lawfully imposed under the merit system of the city.

The requirements of paragraph (c)(2) hereof may be waived for candidates who are certified public accountants.

- (d) Appointment. The assistant director of finance shall be appointed by the mayor, subject to the approval of the Common Council.

Mr. Nolan made a motion to receive the report and adopt the ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

46 – REPORT & ORDINANCE – Deputy Corporation Counsel

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on October 21, 2002 in City Hall.

Mr. Nolan made a motion to recommend adoption of the ordinance. Seconded by Mr. Furtado. Motion carried unanimously.

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section to be numbered 2-61, which said section reads as follows:

Sec. 2-61. Deputy Corporation Counsel.

There shall be a deputy corporation counsel who shall be appointed by the mayor and confirmed by the common council and who shall devote full time to the office. The deputy corporation counsel shall be an attorney at law admitted to practice in the State of Connecticut. At the request of the mayor or the corporation counsel, the deputy corporation counsel shall act on behalf of the corporation counsel and in such instances shall possess all the powers and duties of the corporation counsel. The deputy corporation counsel shall serve until his successor is appointed and the appointment is confirmed.

Mr. McAllister made a motion to receive the report and adopt the ordinance. Seconded by Mr. Shuler. Mr. Gogliettino asked that the report be amended to show that he voted in the negative at the committee of the whole meeting. Motion carried with Council Members Darius and Gogliettino voting in the negative.

48 – REPORT & ORDINANCE – Use of Sidewalks

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole on October 21, 2002 immediately following a public hearing in the Common Council Chambers.

Mr. Furtado made a motion to adopt the ordinance. Seconded by Dean Esposito. Motion carried unanimously.

Be it ordained by the Common Council of the City of Danbury:

THAT Chapter 12 of the Code of Ordinances of the City of Danbury is hereby amended by adding Section 12-5 which section shall read as follows:

Sec. 12-5. Regulation of bicycles, skateboards and non-motorized wheeled devices.

- (a) Declaration of policy. It is hereby found and declared that the presence of persons riding bicycles, skateboards and other motorized or non-motorized wheeled devices upon public sidewalks and walkways endangers public safety and the general health and welfare of the community.
- (b) General prohibition. It is hereby declared unlawful to ride or propel any bicycle, skateboard or other motorized or non-motorized wheeled device upon any public sidewalk or walkway in the City of Danbury.
- (c) Parental liability. General liability.
  - (1) No parent or legal guardian of a child under the age of sixteen (16) shall authorize or knowingly allow such child to violate the provisions of this ordinance.
  - (2) Whenever a police officer apprehends a child under the age of sixteen (16) violating the provisions of this ordinance, such police officer may issue a citation in accordance with Section 12-34 of the Code of Ordinances to said child by leaving a copy of the written warning with the child's parent or legal guardian.
  - (3) Whenever a police officer apprehends someone sixteen (16) years of age and over violating the provisions of this ordinance, such police officer may issue a citation in accordance with Section 12-34 of the Code of Ordinances to said person.
- (d) Penalties. Any person, parent or legal guardian who is found to violate any provision of this ordinance shall be fined fifty (\$50.00) dollars for the first offense and seventy-five (\$75.00) dollars for any additional offense.

- (e) Authorization to erect signs. The traffic authority of the City of Danbury is hereby authorized to erect signs prohibiting the activity specified pursuant to the provisions hereof.
- (f) Exclusion.
- (1) Any prohibition or restriction set forth herein shall not apply to any vehicle or device operated by a police officer or other law enforcement or public safety official.
  - (2) Devices operated by persons for the sole purpose of transporting infants and children such as strollers and carriages designed for said purposes; and
  - (2) Devices operated by persons with a disability for the purposes of transportation of said person such as wheelchairs and similar motorized and non-motorized devices designed for that purpose.
- (g) Interpretation. No provision of this section shall be section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the United States or of the State of Connecticut.
- (h) Severability. If any provision of this section or the application thereof shall be held invalid or unenforceable, the remainder of this section or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.

The report was received on the Consent Calendar and the ordinance adopted.

#### 49 – REPORT & ORDINANCE – Blight

Mr. Levy submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on October 21, 2002 in the Common Council Chambers.

Mr. Nolan made a motion to adopt the Blight Ordinance. Seconded by Mr. Furtado.

After a discussion regarding warrant and entering private property, Attorney Gottschalk stated that under the fourth amendment search and seizure clause of the constitution, courts have expressed concern without a warrant. They would have to get an administrative warrant, not eliminating other applicable law. Any inspector would follow legal and proper avenues and protect the health, safety and welfare of people.

Mr. Saadi said that we have debated how this is worded. It is limited by the fourth amendment. If we were to add language that would clarify the concerns, would it require another public hearing? Attorney Yamin said he does not think this would have to go back to a new public hearing. He stated that he does not want to limit this to vacant. Under Sec. 10-83(b0 in the first line after the word property, the words "in accordance with all applicable law" could be added.

Mr. Saadi made a motion to amend the ordinance by adding "in accordance with all applicable law". Seconded by Mr. Nolan. Motion to amend carried unanimously. Main motion, as amended, carried with Dean Esposito voting in the negative.

Be it ordained by the Common Council of the City of Danbury:

THAT Chapter 10 of the Code of Ordinances of the City of Danbury is hereby amended by adding an Article, to be designated Art. VI, and adding Section 10-81 through 10-88, which said Article and sections shall read as follows:

## ARTICLE VI. PREVENTION OF HOUSING BLIGHT

### Sec. 10-81. Declaration of Policy.

- (a) This Article is enacted pursuant to the enabling provisions of Connecticut General Statutes Section 7-148(c)(7)(H).
- (b) It is hereby found and declared that there exist within the City of Danbury, real properties which contain vacant, abandoned or blighted buildings and the existence of said buildings contributes to the decline of City neighborhoods. It is further found that the existence of such vacant, abandoned or blighted buildings adversely affects the economic well being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury. It is further found that many of the vacant, abandoned or blighted buildings can be rehabilitated, reconstructed, demolished or reused to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, demolition or reuse would eliminate, remedy and prevent the adverse conditions described.
- (c) It is hereby further found that while certain and other administrative remedies presently exist to remediate serious housing deficiencies, including blighted conditions, the adoption of this ordinance has been enabled by State law to permit the remediation of specific and unacceptable housing conditions deemed by the City as blighted.

### Sec. 10-82. Definitions.

- (a) *Blighted Premises* shall mean any building or structure or any portion of said property that is defined by one or more of the following definitions:
  - (1) It is determined by the City that existing conditions pose a serious or immediate danger to the community (i.e. a life threatening condition or a condition which puts at risk the health or safety of citizens of the City;
  - (2) It is not being maintained; the following factors may be considered in determining whether a structure or building is not being maintained; missing or boarded windows or doors; a collapsing or missing wall; sagging or collapsed roof or floor; siding that is seriously damaged or missing; fire damaged; a foundation that is seriously damaged or missing; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises;
  - (3) It is becoming dilapidated or unsafe, as determined by the Building Official;
  - (4) It has attracted illegal activity, as determined by the Chief of Police;
  - (5) It is a fire hazard, as determined by the Fire Marshall;
  - (6) It is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition;
  - (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or structure or of other premises within the neighborhood;
  - (8) It constitutes a health or sanitary problem, as determined by the Health Director.
- (b) *Blighted* shall mean deteriorated, in a state of ill repair, filthy, decaying.

- (c) *Dilapidated* shall mean any building or structure or part thereof that would not qualify for a certificate of use and occupancy or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building Code or the Code of the City of Danbury.
- (d) *Vacant* shall mean a building or structure which has been unoccupied for a period of sixty (60) days or longer, during which the building or portion thereof is not legally occupied. Pursuant to the provision of this ordinance, enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls within the condition generally described in section 10-81 hereof.
- (e) *Abandoned* shall mean a dwelling or unit which, by any observation has been relinquished and is vacant.
- (f) *Legal occupancy* shall mean occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes pertaining to housing, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.
- (g) *Neighborhood* shall mean an area of the City comprised of all premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the City limits.
- (h) *Unit* shall mean any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be a single and distinct space.

Sec. 10-82. Prohibition against creation or maintenance of blighted premises.

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow blighted premises to be created, nor shall any such individual or entity allow the continued existence of blighted premises.

Sec. 10-83. Blight Inspector.

- (a) There shall be within the office of the City of Danbury building official a blight inspector who shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of this Article and shall cause regular inspections to be made of all blighted premises.
- (b) The blight inspector is authorized to enter upon private property, in accordance with all applicable law, between 8AM and 5PM Monday through Friday any premises, which has been determined by preliminary observation to be in violation of the provisions hereof.
- (c) The blight inspector shall report directly to the building official and to the mayor.

Sec. 10-84. Creation and Certification of list of blighted properties.

- (a) Immediately upon enactment of this ordinance, the mayor shall require all department heads to provide a list of real properties they are aware of that appear to be blighted to the blight inspector and to the building official.
- (b) Within thirty (30) days of the receipt of said list the blight inspector shall, utilizing the criteria established in section 10-82 hereof, compile a list of blighted premises. The blight inspector shall, as new information is reported, review and update the list.

Sec. 10-85. Owner Notification, enforcement and hearing.

- (a) Once the list of blighted properties has been generated, the blight inspector shall issue written orders to the owners of such blighted premises notifying

them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for blight and, if applicable, whether the property has been determined to be abandoned.

- (b) Said written order from the Blight Inspector shall direct the owner to remediate the blighted premises in a manner and within the time specified in said order. If such remediation does not occur within the time frame and in the manner specified, the blight inspector is authorized to assess a \$100.00 fine, or that maximum fine permitted by statute, for each day of non compliance, and shall also notify the owner that the City shall remediate the blight and assess the owner of the property for all costs associated with such remediation.
- (c) In the event of non-compliance and/or City remediation of the subject property, the blight inspector shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued fines and costs of remediation. Further action to collect fines and/or costs shall be in accordance with procedures set forth in Section 12-35 of the Code of Ordinances pertaining to enforcement, appeals and hearing.

Sec. 10-86. Authority for fines; enforcement, appeal and hearing procedure; lien on property.

- (a) In accordance with authority set forth in Connecticut General Statutes section 7-148(c)(7)(H) as may be amended from time to time, a fine of one hundred (\$100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 10-85 hereof.
- (b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in Section 12-35 of the Code of Ordinances of the City of Danbury.
- (c) In accordance with authority set forth in Connecticut General Statutes section 7-148aa, may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this Article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

Sec. 10-87. Consistency with other enforcement methods.

This Article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the City.

Sec. 10-88. Severability

If any provision of this Article or the application thereof shall be held invalid or unenforceable, the remainder of this Article, or the application of such terms and provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.

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

50 – REPORT – Request for Sewer Extension – 9 Forest Avenue

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 9 Forest Avenue met on October 30, 2002 at 7:40 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Gogliettino and Dittrich. Also in attendance was Council President Warren Levy, ex-officio.

Mr. Gogliettino noted the positive recommendation of the Planning Commission.

Mr. Dittrich made a motion to approve the extension subject to the standard eight steps. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

#### 51 – REPORT – Request for Water Extension – Lakeview

The Common Council Committee appointed to review the request for water extension for the Lakeview Community met on October 16, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly, Mazzuchelli and Basso. Also in attendance were Director of Public Works William Buckley and the petitioner, Keith Jensen.

Mr. Kelly noted the positive recommendation of the Planning Commission. Mr. Buckley stated that, in August, the Common Council approved the request for sewer extension through assessment methodology. This request is for water to be extended throughout the community. The community has water mains and one meter. Now Mr. Jensen wants to run City mains and meter each housing unit. He wants to do that through the assessment methodology. The City would design the water line at the same time they do the sewer. They would be bid at the same time. Mr. Jensen is the only petitioner.

Mr. Buckley stated that he feels that the State would encourage Mr. Jensen to get out of the water business and to do it as Mr. Jensen is requesting. Mr. Buckley said he would have 200 meters, but Mr. Jensen would pay all the bills. He is picking up the cost of this and he will get fire coverage. Mr. Buckley stated that he would recommend that the committee authorize going forward with a survey. Mr. Mazzuchelli asked if there was a combination cost? Mr. Buckley said they would be priced separately. The price will be the actual bid price. Mr. Mazzuchelli asked if the system is close to capacity. Mr. Buckley said it is not.

Mr. Mazzuchelli made a motion to proceed with a survey for the water project. Seconded by Mrs. Basso. Motion carried unanimously.

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

#### 52 – REPORT – Request for Water Assessment – 7 & 9 Moody Lane

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review a request for water assessment at 7 and 9 Moody Lane met on October 21, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Neptune and Null. Also in attendance were Director of Public Works William Buckley and the petitioner, Mark Edwards.

Mr. Buckley stated that this is a part of the Ta'Agan Point water system. Originally, there were a total of 39 properties. Mr. Edwards had a parcel of land and has since built a house there. He petitioned for water assessment separately. The Common Council tabled the original request because of a pending state grant application. Mr. Edwards request was also tabled. When the grant came through, the project came back to the Common Council and they approved it. Mr. Edwards's request was never brought back to the Common Council so it remained tabled. Mr. Edwards did not receive notice of the public hearing. Attorney Gottschalk had him sign a waiver of his right to appeal

his assessment. He recommends that the committee authorize him to include Mr. Edward's parcels in this assessment parcel in accordance with the Code of Ordinances.

Mr. Null made a motion to authorize the inclusion of Mr. Edward's parcels in the assessment project. Seconded by Ms. Neptune. Motion carried unanimously.

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

#### 53 – REPORT – Request for Water Extension – Great Plain Road

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review the request for Water Extension on Great Plain Road met on October 21, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Neptune and Null. Also in attendance were Director of Public Works William Buckley and the petitioner, Ben Doto.

Ms. Neptune noted the positive recommendation of the Planning Commission. Mr. Buckley stated that the project is a water extension on Great Plain Road. St. Gregory's Church who turned it over to the City formerly owned an old eight-inch water main. It serves six houses. He recommends approval subject to the standard eight steps.

Mr. Null made a motion to recommend approval of the water extension, subject to the standard eight steps. Seconded by Ms. Neptune. Motion carried unanimously.

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

#### 54 – REPORT – Request for Water Extension on Ivy Lane

Mr. Mazzuchelli submitted the following report:

The Common Council Committee appointed to review the request for water extension on Ivy Lane met on October 16, 2002 in the Third Floor Caucus Room in City Hall. In attendance were committee members Mazzuchelli, Kelly and Basso. Also in attendance were Director of Public Works William Buckley and the petitioners John Merullo and Ann Falzone.

Mrs. Basso asked why Ivy Lane did not get water when Cedar Street did? Mr. Buckley pointed out, on a map, where the line stopped and all the no votes that were shown in blue. The Common Council, at that time, asked him to cut back on the project. The petitioners want an assessment project. If you vote to go ahead with the assessment, it will be two or three years. This would not be as much work as normal because they already have the design.

Mr. Mazzuchelli asked if the Common Council votes in favor of this, will that get this project on the list? Mr. Buckley said it would. He said that there are already other inexpensive projects on the list. Mr. Mazzuchelli asked if Mr. Merullo if the cost were \$7,500 how many people would vote positively? Mr. Merullo said he could not say, maybe half. Mrs. Basso said that when people realize they have 19 years to pay it, they are more likely to vote in favor.

Mrs. Basso made a motion to recommend that the project proceed by assessment methodology. Seconded by Mr. Mazzuchelli. Mr. Buckley recommended that unwatered sections of Ivy Lane, Cedar Street and Sylvan Drive be surveyed. If they come back negative, they can be eliminated. Motion carried unanimously.

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

#### 55 – REPORT – Repairs to Sidewalk on South Main Street

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review repairs to a sidewalk on south Main Street met at 6:50 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi, John Esposito and Basso. Also in attendance were Director of Public Works William Buckley, Corporation Counsel Eric Gottschalk and Council Members Levy and McAllister, ex-officio.

Mr. Saadi stated that the committee was called to address repairs on a sidewalk on the southern end of Main Street. He submitted a letter that explains that the project was in the planning stage and the work has been done. He received a call from a resident of that area who said he was happy that action had been taken so quickly. Mr. Saadi said improvements would be ongoing.

John Esposito asked if there is a grant in the works. Mr. Buckley said a lot of the Streetscape projects are budgeted and he did secure a grant known as a transportation enhancement grant. He is now competing for funds for Main Street South with the same type of improvements. The cost should be in the area of \$900,000.

After a discussion about trees being the cause of these problems, Attorney Gottschalk noted that the Common Council adopted an ordinance in the 1980's that imposed maintenance of sidewalks with the property owners. The committee would not be doing property owners any favor assuming that these are City trees and therefore our problem. The Common Council shifted liability for any injuries due to snow and ice or unsafe conditions to the adjacent property owner. They would be named in any lawsuit. The Judge could find the homeowner liable.

Mrs. Basso made a motion to take no action as the work has already been done, and for the improvements in this area to continue on an ongoing basis. Seconded by John Esposito. Motion carried unanimously.

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

56 – REPORT – Request for Sewer Extension – 23, 25 & 29 Sugar Hollow Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 23, 25 and 29 Sugar Hollow Road met at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Moore and Nolan. Also in attendance were Director Public Works William Buckley and Jim Rotundo of Consultants and Engineers.

Mr. Machado noted the positive recommendation from the Planning Commission. Mr. Buckley noted that water is already on the street so it would be just a service connection. Mr. Rotundo pointed out the existing buildings on a map. It is adjacent to the Airport and there is a twenty-four inch truck line. There is a City-owned sewer and a private line, which serves the buildings. There will be a new lateral into the existing line. A portion of the private line has to be accepted by the City. It is not an actual extension, it is an existing line, which will be accepted and turned over to the City. Mr. Buckley said that technically it is an extension because it has to be given to the City, subject to the standard eight steps.

Mr. Moore made a motion to approve the extension subject to the standard eight steps. Seconded by Mr. Nolan. Motion carried unanimously.

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

57 – REPORT – Request for Sewer and Water Extension – 91 Miry Brook Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 91 Miry Brook Road met on October 9, 2002 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Buzaid and Nolan. Also in attendance were Director of Public Works William Buckley, Attorney Robin Kahn, Jim Rotundo of Consultants and Engineers and Jack Stephenson.

Mr. Machado noted the positive recommendation of the Planning Commission. Mr. Buckley noted that this is the Wooster School and they are putting an addition onto their complex. He thinks the standard eight steps will be sufficient. He recommends approval of both the sewer and water extensions. Mr. Rotundo requested that they be allowed to do the sewer in two phases. He would like the first phase to be up to the Middle School and the second phase would complete the project. Mr. Buckley stated that a ninth step could be included stating that the approval of steps one through eight will be in two distinct phases. Legal documents for the first phase will be turned over when that phase is completed and again when the second phase has been completed.

Mr. Nolan made a motion to approve the request for sewer and water extensions, subject to the standard eight steps, with a ninth step allowing the sewer extension to be done in two phases, and providing that legal documents will be turned over to the City after the completion of the first phase and again when the second phase has been completed. Seconded by Mr. Buzaid. Motion carried unanimously.

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

#### 58 – REPORT – Civil Service Test Benefits

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review civil service test benefits met July 1, 2002, on August 20, 2002 and on October 17, 2002. In attendance at the July 1<sup>st</sup> meeting were committee members Saadi, McAllister and Scozzafava. Also in attendance were Fire Chief Peter Siecienski, Assistant Corporation Counsel Eric Gottschalk, Tom Lechner, President of the Volunteer Fire Council, Council Members John Esposito and Warren Levy, ex-officio. In attendance at the August 20<sup>th</sup> meeting were committee members Saadi, McAllister and Scozzafava. Also in attendance were Fire Chief Peter Siecienski, Assistant Corporation Counsel Eric Gottschalk, Tom Lechner, President of the Volunteer Fire Council, Council Members John Gogliettino and Warren Levy, ex-officio and Michael Pascuzzi. In attendance at the October 17<sup>th</sup> meeting were committee members Saadi and McAllister. Also in attendance were Assistant Corporation Counsel Eric Gottschalk and Tom Lechner.

Mr. Saadi stated that the committee has been charged with developing a proposal regarding civil service test benefits for members of the volunteer branch of the Fire Department. This meeting is for the purpose of reviewing the previous point system, the related case and settlement and to discuss administrative matters. The committee will look at other towns and States, obtain more information from the Danbury Fire Department, both paid and volunteer, and discuss legal issues, possible financial savings and any other benefits before a final recommendation is issued.

Attorney Gottschalk stated that this issue arose in 1982-83 when the Common Council voted to submit preference points to volunteers. The Plaintiffs went to Federal District Court stating that laws were violated that dealt with discrimination and employment. It was stated that because volunteer fire companies were comprised almost exclusively of white males, preference points discriminated against minorities and females. They asked the court to stop all hirings from the eligibility list. A preliminary injunction by Judge Daley ordered all hirings stopped, the repeal of the preference point ordinance and the avoidance of the implementation of any other selection process that would have an adverse impact on minorities and women. There was an agreed consent order that incorporated the findings. There was never a full trial on the merits of this case. The City agreed to the judgment 19 years ago, which raises the question today, where should we be going?

According to the Personnel Department there has been a dramatic change in the composition of volunteer fire companies. We need to know whether where we are now is good enough. If you want to do this fairly, be careful of the size of the award. Mr. McAllister asked if we would have to return to court to ask if the new system meets the required standards. Attorney Gottschalk said he has not found anything that would say that the court holds jurisdiction over City hiring. He would suggest an ordinance outlining the preference points.

Mr. Saadi stated that he received a letter from Chief Siecienski stating that there is no prohibition on out of town volunteers joining. Some have attained an officer's rank in those companies. Many of those individuals work in this community. The issue of recruitment is a local, state and federal concern. The decline in volunteers is drastic. There is no longer a residency clause for the paid department. He received ten points when he took the test; other received 15 points because they were veterans. Mr. Lechner asked if veteran's points are still acceptable. Attorney Gottschalk said the Supreme Court of the United States has approved them.

At the August 20<sup>th</sup> meeting, Mr. Saadi stated that Chief Siecienski and Mr. Lechner submitted the information requested at the last meeting. A discussion followed about training requirements and certifications. The Chief stated that a high school diploma is necessary, as well as a valid driver's license. Certifications required prior to the first anniversary of employment are fire fighter I and EMT status. Individual have to achieve fire fighter II and any other jurisdiction is left to the Chief and training officer.

After reviewing the statistics submitted, Mr. Scozzafava said we should not have a problem if we include the twelve companies and take the percentages this year. If we do opt for this point system, we should put a minimum cap on it. You have to live in Danbury for over a year and if you falsify any information that would be grounds for immediate dismissal. Before being granted any points, it is up to that person to have that information before the test. Mr. McAllister said that there isn't anything in the regulations that prohibits people from other towns from taking the test. They have qualifications other than residency. Attorney Gottschalk stated that the committee should be aware of case law that describes a certain right to travel from place to place. It raises the question would a system that grants points for residency interfere with the constitutional right to travel freely.

Mr. McAllister stated that if an applicant lived in this town for a period of time and gets the points, fine. He is not saying that he can't move after he is on the job for a while. Attorney Gottschalk pointed out that once someone becomes a firefighter, you couldn't make residency a requirement. Attorney Gottschalk stated that the City of Waterbury could not impose conditions relative to the merit system by Charter. He is concerned that municipalities may establish by ordinance something that crosses the line into the merit system. Mr. Saadi said that any proposal should be run by the Civil Service Commission before it is passed.

At the October 17<sup>th</sup> meeting Mr. Saadi stated that he received a breakdown of all the volunteer companies. The breakdown is the key to the points system. The numbers have improved significantly in twenty years. Mr. Saadi asked Attorney Gottschalk to explain the four-fifths rule in view of these numbers. Attorney Gottschalk stated that the four-fifths rule states that in order to be valid, the minority group with the lowest test score has to have at least a success rate equal to 80% of the highest success rate. You are not going to pass that test with the numbers we have seen.

Mr. McAllister stated that various fire departments are awarding points for various qualifications and they have not run into any problems with the hirings, at least in the recent past. You have to have proof that you are qualified. Mr. Saadi stated that the difference is that we entered into a Consent Order and other towns have not.

Mr. Saadi submitted a point system for implementing extra credit points for the Fire Department entry-level test. These points will be granted in accordance with the Commission's rules and regulations for a passing grade:

Bonafide Resident of Danbury	2.0 points@
Fire Fighter I	1.5*
Fire Fighter II	2.0*

EMT/Paramedic	1.0+
Hazard Materials recognition	.75*
Hazard Materials Technician	1.0*
Pump Operator Certification	1.0*
CDL or CTQ Endorsement on Drivers License	1.0#
Incident Command Course	.75*

@ To obtain credit for being a resident of the City of Danbury the person applying must show proof that they have lived within the corporate limits of Danbury.

\*To obtain credit for these certifications, one must present the certifications to the Commission prior to the set testing date. These certifications must be from, or approved by, the Commission on Fire and Control. If someone wishes to present out of state certifications, there must be a signed letter from the CT CFC indicating that said certifications either meet or exceed the State of Connecticut standards. The Civil Service Commission will decide if original or photocopies will be required.

+ To obtain credit for this item, one must present a certificate from the Connecticut Department of Health. Though paramedic is a higher level, it will still receive the credit of EMT. If a person wishes to submit an out of state certification, there must be a letter from the Connecticut Department of Health indicating that said certification meets or exceeds Connecticut standards.

# To obtain a credit for this item, the person's license will be considered proof, providing that the person's license is current and not revoked, nor under suspension, at the time of presentation. A person applying with an out of state license will not be given any credit.

It is also suggested that, as another benefit, the testing fee be waived, or a maximum of \$10.00 be charged to take an application, for any person who is a resident of the City of Danbury.

It is also suggested that if any person is found to have falsified any document in an effort to obtain any additional credit shall have the following occur – if prior to the first test, will be barred from taking it; if in the process of continuing, will be terminated and, if employed by the City as a firefighter, terminated.

Attorney Gottschalk stated that the residency requirement concerns him. Case law decided, under the constitution, that this means the place where you live. That is a bonafide residence. The right to travel embraces at least three different components: it protects the right of a citizen of one state to enter and to leave another state; it protects the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second state; and for those travelers who elect to become permanent residents, it protects the right to be treated like other citizens of that state. The right of interstate or intrastate travel is impinged upon only when a governmental entity creates distinctions between residents based upon the duration of their residency and not when distinctions are created between residents and nonresidents. He continued by stating that you can establish a residency requirement, but you cannot stop a New Yorker before resuming his career. He recommends that you consider this, but not tie it to a residence requirement.

A discussion followed regarding residency requirements. Mr. McAllister then said he would like to change the points. He increased each one by a half point. (see above). Attorney Gottschalk said that would be constitutionally permissible and not in violation of state law.

Mr. McAllister made a motion that the Common Council recommend that the Civil Service Commission adopt the point system as approved by the committee. Seconded by Mr. Saadi. Motion carried unanimously.

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

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the Pleasant Acres Homeowners Association Water Problems met on October 16, 2002 at 8:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly, Mazzuchelli and Basso. Also in attendance were Director of Public Works William Buckley, Council Member Paul McAllister, ex-officio and members of the homeowners association.

Mr. Kelly read the letter from the President of the Homeowners and asked Mrs. Ferris to explain her request. Mrs. Ferris said she did not have a problem with the assessment until Ta'Agan Point hooked in. The pump house was designed knowing that Ta'Agan Point was going to hook in. They understand that people are going to hook into the pump house, but Ta'Agan Point residents should have contributed since it was designed to accommodate them.

Mr. Buckley stated that when the pump house was built, there were many facilities that were built by people dating back to the Civil War that supported bringing water to the pump station. The Common Council chose to reject the petition when it first appeared because there were no water mains. Barclay Commons came in and extended water. A number of things got done that Pleasant Acres did not pay for. When it originally came through, the cost was estimated to be \$1,700,000. The people did not want to pay that much. They hired an attorney to negotiate with the City. Many Council Members voted against the project because they did not want to use City funds. \$1,200,000 was spent because the Council came up with the value that they were paying for water. He tried to keep the assessment at \$450.00. He tried to pick which mains would be done. The project went up to \$1,300,000.00. \$100,000 came from the Water Fund. The City gave a grant to the homeowner's association valued at one-half million dollars.

William Cole asked where the \$500,000 grant went. Mr. Buckley said it has not all been spent. The City will make any improvements on the mains that haven't been replaced. The amount spent is probably \$800,000 now. The assessment money went into the \$1,200,000. Mr. Cole wanted to know when he would be able to hook into water.

Mr. Ferris said that he is not arguing that they negotiated a great deal. The community feels that Ta'Agan Point got a better deal. The cost of the pump house was put together knowing that it was going to be expanded at sometime. When you bring other issues into play, it is all off the new mains so they are getting an additional benefit of all new mains and we still have water problems in the community.

Mr. Sokolov asked how much money the City has spent? Mr. Buckley said the City spent \$1,200,000. The residents were only assessed for the \$1,200,000. He had to go back to the Common Council for money. Mr. Buckley said the City is on the hook to make all of the rest of the improvements. Mr. Buckley stated that in the future perhaps the City should not compromise and just do the whole project. If the property owners said they didn't want to do it, they would have been ordered to do so by the State. The Common Council tried to work something out. Maybe they should not do that.

Mrs. Basso made a motion to take no action. Seconded by Mr. Mazzuchelli. Motion carried unanimously. Mr. Mazzuchelli made a further motion to have Mr. Buckley do an assessment of Pleasant Acres and look at resolving problems. Seconded by Mrs. Basso and carried unanimously.

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

60 – REPORT – Office of Emergency Management Director

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the Office of Emergency Management Director met on July 17, 2002 and on October 22, 2002 in the Third Floor Caucus Room in City Hall. In attendance at the July 17<sup>th</sup> meeting were committee

members Levy, Saadi and Nolan. Also in attendance were Assistant Corporation Counsel Les Pinter, Council Members Gogliettino and Darius, ex-officio and Lynn Waller. In attendance at the October 23<sup>rd</sup> meeting were committee members Levy, Saadi and Nolan and Associate Corporation Counsel Raymond Yamin.

Mr. Levy stated that this committee has been called to review the position of emergency management director. The charge is to provide a job description and qualifications. The Charter provides that the Mayor may appoint a chief coordinator of emergency services. A City ordinance addresses this as well. He asked Attorney Pinter to give an overview of how to establish parameters.

Attorney Pinter said that the Charter provides language that speaks to the power of appointment and removal to the Mayor. The Common Council has the power to set duties. State Statute provides for the Mayor to remove the director for cause. It also gives the power of setting duties to the Common Council. The task of this committee is to develop qualifications. State law also says that the individual shall develop a plan that would have to be approved by the State Director.

Mr. Levy asked if there currently a civil preparedness approved plan for the City. Attorney Pinter said he does have a document prepared by the Emergency Management Task Force. Mr. Levy asked if this position could be established as a non-civil service position. Attorney Pinter said it could. Mr. Saadi pointed out that the Charter says may, not shall. The adoption of the merit system in 1965 said it shall be under the merit system. Mr. Levy said that if the Council chooses not to have it under the merit system, then the Civil Service Commission would have to waive it. Mr. Levy said if the testing requirement was eliminated, the Mayor could make the appointment.

Mr. Levy stated that requirements would include a Bachelor's Degree in Emergency Management or a related field, with three years experience in emergency management; ten years in public safety/crisis management (fire, police or EMS) with two years in a supervisory capacity that may be substituted for the three years of experience in emergency management. The person must possess knowledge of modern communications and records management systems and a willingness to develop innovative approaches to the delivery of emergency services dispatching and maintenance and knowledge of FCC rules and regulations. He or she must have the knowledge and ability pertaining to principles and practices of supervision and training and the ability to communicate with others and to assimilate and understand information in a manner consistent with the essential job functions. The person must have the ability to make presentations before the Common Council and community groups. He or she must have the ability and experience in dealing positively with members of the public and must possess a valid Connecticut driver's license within thirty days of employment. Within six months of employment the successful candidate must become a resident of the City of Danbury.

Under qualifications, Mr. Nolan would like to incorporate the ability to write grants or work with the appropriate personnel in grant writing to seek funding from State and Federal sources to help implement the City's emergency management plan. Mr. Saadi said that his only concern with the grant writing ability is that it is a limited field. Attorney Pinter stated that the committee is setting a high bar, but there is nothing wrong with that.

At the October 22, 2002 meeting Mr. Levy gave an overview of the previous meeting. He passed out a draft copy of the Emergency Management Task Force report. The one area he would like to change is where it talks about the requirement of a Bachelor's Degree in Emergency Management or a related field, with three years experience in emergency management. Ten years in public safety/crisis management (fire, police or EMS) with two years in a supervisory capacity that may be substituted for the three years of experience in emergency management. The Mayor feels that it would be just as adequate to make it five years experience rather than ten years. Considering the recommendations of the Task Force, it would allow the flexibility if the administration felt that there were other duties that need to be added to the minimal qualifications.

Mr. Nolan agreed that the qualifications are a little heavy. If someone has seven or eight years experience, that gives them a good background. Attorney Yamin asked if

there is a reasonable pool of candidates that would meet these criteria? Mr. Nolan said his only concern is that someone has the Bachelors and the years of experience.

Mr. McAllister asked if the standards can be changed, at a later time, to more stringent standards or will they have to come back to the Common Council? We do not want to make this controversial if possible. Mr. Levy said the intention was to establish a minimum standards baseline. If they want to increase the baseline, they would have to come back to the Common Council.

Mr. Saadi made a motion to adopt the job qualifications as presented by the committee and the job description as presented by the Mayor's Emergency Management Task Force as a minimum standard of employment of the Emergency Management Director. Seconded by Mr. Nolan. Motion carried unanimously.

The report was received on the Consent Calendar.

61 – REPORT – Tamarack Investments – 45 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 adopted.

62 – REPORT – Defibrillators in Municipal Buildings

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the placement of defibrillators in municipal buildings met on August 20, 2002 and on October 15, 2002 in the Third Floor Caucus Room in City Hall. In attendance at the August 20<sup>th</sup> meeting were committee members Saadi, Gogliettino and Dittrich. Also in attendance were Rey Rodrigues of the Fire Department, Director of Finance Dena Diorio, Assistant Corporation Counsel Les Pinter, Superintendent of Public Buildings Richard Palanzo, Airport Administrator Paul Estefan, Director of Elderly Services Leo McIlrath, Council Members Levy, Mazzuchelli, and John Esposito, ex-officio and members of the public. Present at the October 15<sup>th</sup> meeting were committee members Saadi, Gogliettino and Dittrich. Also in attendance were Corporation Counsel Robert Yamin, Superintendent of Public Buildings Rick Palanzo, Airport Administrator Paul Estefan, Council Members Levy, John Esposito and McAllister, ex-officio and members of the public.

At the August 20<sup>th</sup> meeting, Rey Rodrigues demonstrated how a defibrillator works. He stated that he feels it is important to get these machines out in the public. Danbury is very fortunate because our team is on the scene within six minutes. There are weak areas in the City, such as King Street, the west side of town and Long Ridge Road. Response times in these areas can be between ten and fifteen minutes.

Mr. Gogliettino asked what the cost per unit would be? Mr. Rodrigues stated that some are about \$3,500 and others run about \$2,500. New units run between \$400

and \$500 less. Mr. Gogliettino asked how many units are now in public buildings. Mr. Rodrigues said there are six in the Fire Department. Richter Park Golf Course purchased two last year. Mr. Palanzo stated that the City has 45 active buildings. Less than ten percent of those buildings are on the west side. The King Street Volunteer Fire House does not have a unit, but the paid company, which shares the same building, does. Mr. Gogliettino said that because the west side is weak, we should concentrate of the Airport, the Mill Plain Fire Company, King Street School, etc. Mr. Saadi asked Mr. Palanzo to work with Mr. Rodrigues in setting a priority list for placement.

Mr. Saadi asked Ms. Diorio if there were accrued funds available that have been appropriated for salaries for unfilled positions. Ms. Diorio said she would check what funds are available. Unused funds would be surplus.

Mr. Saadi asked Mr. Rodrigues if the Fire Department could provide free training in the use of these units. Mr. Rodrigues said there is a \$5.00 charge. He said that finding a classroom is the most difficult thing. He is flexible with scheduling classes. Mr. Saadi asked if there is a reasonable response from City employees when offered training? Mr. Rodrigues said there is an incredible interest in training.

At the October 15<sup>th</sup> meeting, Mr. Saadi thanked Mr. Rodrigues and Mr. Palanzo for their report showing response times and locations of municipal buildings. Mr. Palanzo identified the following city buildings that are occupied on a regular basis: Danbury Airport, Mill Ridge Primary School, Mill Ridge Intermediate School, Pembroke School, Danbury High School and Stadley Rough School.

Mr. Saadi stated that he has received many calls encouraging the placement of defibrillators in municipal buildings. Mr. Saadi stated that the committee could recommend that the units be placed at the most appropriate position in the buildings. Mr. Palanzo and Mr. Rodrigues could use their discretion. Mr. Palanzo stated that a location near Richter Park should be identified as a possible site. This brings the total to six areas, but seven facilities.

Mr. Saadi stated that these units cost \$2,500 each. He feels that the normal bidding process should be followed. He spoke with the Director of Finance and she stated that there are funds available. He recommends that the final motion include the amount of \$2,500 per unit.

Mr. Gogliettino made a motion to appropriate the sum of \$17,500 for seven units to be placed at the locations identified in the report and that the director of emergency services for the Fire Department include defibrillator training in his CPR classes. Seconded by Mr. Dittrich. Mr. Pascuzzi stated that the committee should consider placing two units at Danbury High School, one inside the building and one outside.

Mr. Gogliettino offered an amendment to include one additional defibrillator so that two can be placed at Danbury High School for an appropriation of \$20,000. Seconded by Mr. Dittrich. Motion to amend carried unanimously.

Main motion, as amended, carried unanimously.

The report was received on the Consent Calendar and its recommendations approved subject to the certification of funds by the Director of Finance.

63 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Health and Housing, Department of Elderly Services. Mr. Levy made a motion to receive the reports and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. McAllister. Mr. Nolan requested that the Parks and Recreation Department be instructed to provide monthly reports. Mayor Boughton said he would see to it. Motion carried unanimously.

64 – RESOLUTION – Main Street (South) Streetscape Project

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, in conjunction with the Housatonic Valley Council of Elected Officials (HVCEO) is seeking to apply for a Transportation Enhancement Act

for the 21<sup>st</sup> Century (TEA-21) grant from the Federal Highway Administration for streetscape improvements along Main Street from its intersection with Boughton Street and Park Place southerly to the intersection of South Street and Memorial Drive; and

WHEREAS, the total estimated cost of the project is \$1,000,000.00 of which approximately \$800,000.00 would be funded by said grant and the balance by the City of Danbury through the Community Development Block Grant (CDBG) as well as the Capital Improvement Program; and

WHEREAS, the City of Danbury is committed to provide the required local cash match of 20% of the \$800,000 grant amount; and

WHEREAS, the City of Danbury is desirous of committing to this project and to accomplishing the goals thereof; and

WHEREAS, the City of Danbury is committed to the maintenance and operation of the infrastructure upon completion of construction.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton be and hereby is authorized to make application to the Federal Highway Administration for the Transportation Enhancement Act for the 21<sup>st</sup> Century (TEA-21) grant in the approximate amount of \$800,000.00 and to take such other actions as may be necessary for the accomplishment of the purposes hereof.

The resolution to apply for grant funding in conjunction with the Housatonic Valley Council of Elected Officials from the Federal Highway Administration for streetscape improvements along Main Street as described was adopted on the Consent Calendar.

The Mayor extended all committees.

There being no further business to come before the Common Council a motion was made at 8:50 P.M. by Mr. Gogliettino for the meeting to be adjourned.

Respectfully submitted,

\_\_\_\_\_  
JIMMETTA L. SAMAHA  
Clerk

ATTEST:

\_\_\_\_\_  
MARK D. BOUGHTON  
Mayor