

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the January 7, 2003 Common Council Meeting

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

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

ABSENT – Dean Esposito, Neptune

18 PRESENT – 2 ABSENT – 1 VACANCY

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – Spoke on item 25. She is bothered by the rents. She asked that the price be reconsidered before approval.

Doris Riedinger, 15 Waterview Drive – spoke under Department Reports regarding snowplowing on Waterview Drive. Nine years ago, their Council Member said that Waterview Drive would be plowed although it is a private road. Now the City said it would not be plowed. They would like the plowing to continue. They are not asking for maintenance or for the City to take the road over.

Paula Baker, Short Lane – Member of the Aviation Commission, spoke on item 25. The City is leasing the property next to Boston Billiards at a rental rate of \$1,100 per month. Be aware of those costs. She is a licensed real estate broker.

Joe Giaconi, Waterview Drive – Asked why the plowing was stopped. Mr. Buckley stated that he was advised that the Corporation Counsel not to do maintenance on private roads unless authorized by the Common Council. The Mayor stated that the Corporation Counsel advised that no plowing be done on private roads. The law does not allow just plowing. He will appoint a committee this evening to look into this issue.

MINUTES – Minutes of the Common Council Meeting held December 2, 2002. Mr. Levy made a motion to accept the minutes and waive the reading as all members have copies that are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

4 – Adopt the Resolution to authorize the acquisition of easements for the extension of the Danbury public water supply to the Ta'Agan Point water system as described.

5 - Adopt the Resolution to apply for and accept grant funding from the Connecticut Department of Environmental Protection for a study of ways to reduce nitrogen discharges as described.

6 – Adopt the Resolution to apply for and accept grant funding from the Tony Hawk Foundation in the amount of \$25,000 for construction and operation of a skate park as described.

7 – Adopt the Resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$97,580 for the operation of emergency shelter as described.

10 – Approve the reappointments of Harold Wibling, William Goodman, Joan Damia, Dimples Armstrong, Betty Jane Hull and Robert Feinson to the Danbury Library Board of Directors.

17 – Approve the appropriation of \$350,000 to the Police Department Special Services Account for the years 02-03 subject to approval by the Director of Finance.

18 – Approve the reappropriation and transfer of \$543 from the Elderly Services Donations Account to the Commission on Aging Budget as described.

23 – Approve water extension at Lee Avenue subject to the required eight steps, and an additional ninth step that the City Public Utilities Department supply materials and other services to the developer who will install improvements and the extension as described.

Mr. Saadi moved to adopt the consent calendar as presented. Seconded by Mr. McAllister. Motion carried unanimously.

(At 7:45 P.M. Dean Esposito arrived and was marked present)

1 – COMMUNICATION – Recommendation that Eileen Coladarci be appointed to filled the vacant Third Ward Common Council seat. Mr. Kelly made a motion to receive the communication and nominated Eileen Coladarci to fill the Third Ward vacancy. Seconded by Mr. Scozzafava. Motion carried unanimously. Corporation Counsel Robert Yamin swore in Mrs. Coladarci.

2 – ORDINANCE – All-Terrain Vehicle Use

Mrs. Basso asked that this be deferred to public hearing. Mayor Boughton so ordered.

3 – ORDINANCE – Highway Permit Fees

Mr. McAllister asked that this be deferred to public hearing. Mayor Boughton so ordered.

4 – RESOLUTION – Ta’Agan Point Water Supply System Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the residents served by the Ta’Agan Point Water supply system have experienced long standing problems associated with the quantity and quality of water drawn from their community well system; and

WHEREAS, the State of Connecticut Department of Public Health has been monitoring the situation for years and appointed a receiver in an attempt to ameliorate the problems; and

WHEREAS, the system remains inadequate, unreliable and at times unsafe; and

WHEREAS, the State of Connecticut has ordered the City of Danbury to acquire the Ta’Agan Point Water Company as a means of insuring that the Ta’Agan Point water supply is adequate, reliable and safe; and

WHEREAS, although the Public Utilities Division of the Danbury Department of Public Works has installed an emergency feed line to provide a temporary source of water, a permanent solution is required; and

WHEREAS, an extension of the Danbury public water supply system to be funded through the assessment of benefits against those properties benefited by the extension is in the best interests of the public; and

WHEREAS, in order to proceed with said project it is necessary to acquire interests in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owners hereinafter named upon the amount, if any, to be paid for the interests to be so acquired.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire certain water line easements from the affected property owners on or before July 1, 2003, either by negotiation or by eminent domain through the institution of suits against said property owners, their successors and assigns and their mortgage holders and encumbrancers, if any. Property descriptions describing the affected areas are attached hereto and incorporated herein as Exhibits A through C.

The resolution to authorize the acquisition of easements for the extension of the Danbury public water supply to the Ta'Agan Point water system as described was adopted on the Consent Calendar.

5 – RESOLUTION – State Nitrogen Removal Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, a study of the discharge of nitrogen by the Water Pollution Control Plant is desired; and

WHEREAS, the cost of the nitrogen study is \$40,000; and

WHEREAS, the State of Connecticut Department of Environmental Protection has grant funds available to the City of Danbury for use in studying the discharge of nitrogen from the Water Pollution Control Plant; and

WHEREAS, the City of Danbury is eligible to receive grant funds of up to 55% of the cost of the study.

NOW, THEREFORE, BE IT RESOLVED that \$40,000 is appropriated to perform the nitrogen study and Mark D. Boughton, as Mayor of the City of Danbury, is hereby authorized to execute and file applications, contracts and agreements on behalf of the City of Danbury with the Commissioner of Environmental Protection for state grants pursuant to the provisions of Section 22a-475 through 483 of the General Statutes of Connecticut, as amended, and to execute on behalf of the City of Danbury all the applications, instruments, contracts and documents and accept payments and do all other things that may be necessary for state grants and loans.

The resolution to apply for and accept grant funding from the Connecticut Department of Environmental Protection for a study of ways to reduce nitrogen discharges as described was adopted on the Consent Calendar.

6 – RESOLUTION – Tony Hawk Foundation

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Tony Hawk Foundation will make grant funds available to municipalities; and

WHEREAS, the Tony Hawk Foundation will award these funds to the City of Danbury to assist with the construction and operation of a public skate park; and

WHEREAS, the City of Danbury is eligible to receive funds up to \$25,000.00; and

WHEREAS, no local cash match is required.

NOW, THEREFORE BE IT RESOLVED, that Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to sign any documents necessary to effectuate the purposes of said grant application and the receipt of such grant.

The resolution to apply for and accept grant funding from the Tony Hawk Foundation in the amount of \$25,000 for construction and operation of a skate park as described was adopted on the Consent Calendar.

7 – RESOLUTION – Homeless Grant Increase

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut, Department of Social Services has made available a grant in the amount of \$97,580.00 for the operation of the Emergency Shelter; and

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

WHEREAS, no local match is required.

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

The resolution to apply for and accept grant funding from the State of Connecticut Department of Social Services in the amount of \$97,580 for the operation of emergency shelter as described was adopted on the Consent Calendar.

8 – RESOLUTION – Thorpe Street Extension Bridge – WITHDRAWN

9 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Boughton requesting the confirmation of Brian M. Simon to the position of Police Officer in the Danbury Police Department. Mr. McAllister made a motion to receive the communication and confirm the appointment. Seconded by Mr. Nolan. Motion carried unanimously.

10 – COMMUNICATION – Reappointments to the Library Board of Directors

Letter from Mayor Boughton requesting confirmation of the reappointments of Harold Wibling, William Goodman, Joan Damia, Dimples Armstrong, Betty Jane Hull and Robert Feinson to the Library Board of Directors for terms to expire January 1, 2006. The reappointments were confirmed on the Consent Calendar.

11 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation from Stephen R. Johnson of a new commercial extractor washing machine. Mr. Gogliettino made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Darius. Motion carried unanimously.

12 – COMMUNICATION – Donation to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept the donation of a new fire prevention and education video from Nolan Enterprises. Mr. Saadi made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

13 – 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 \$60 for the use of the Senior Center. Mr. Nolan made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. McAllister. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Civil Preparedness and Fire Departments

Letter from Director of Civil Preparedness Paul Estefan asking permission to accept a donation of a surplus Sweetheart Bus from HART bus to be used by the Civil Preparedness and Fire Department emergency personnel. The value is between \$4,000 and \$5,000. Mr. McAllister made a motion to receive the communication, accept the

donation and send a letter of thanks. Seconded by Mr. Saadi. Motion carried unanimously.

15 – COMMUNICATION – Donations to the Library

Letter from Library Director Elizabeth McDonough requesting permission to accept a donation from the Danbury/New Fairfield Newcomers Club in the amount of \$45.00. 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. Machado. Motion carried unanimously.

16 – COMMUNICATION – Request for Funds for Common Council – WITHDRAWN

17 – COMMUNICATION – Request for Funds for Police Department

Request from Police Chief Robert Paquette for an additional \$350,000 appropriation to the Police Special Services fund. These funds are necessary for meeting projected weekly payroll obligations for these extra services. These funds are later returned to the City's General Fund as indirect revenue, as the private sector pays for these police services. The appropriation of \$350,000 to the Police Department Special Services Account was approved on the Consent Calendar subject to the approval of the Director of Finance.

18 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$543 from the Elderly Services donations account to the Commission on Aging budget for the professional service fees account. A certification of funds was attached. The reappropriation and transfer of \$543 from the Elderly Services Donations Account to the Commission on Aging budget was approved on the Consent Calendar.

19 – COMMUNICATION – Request for Water Extension – 30 Crosby Street

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 Buzaid, Neptune and Scozzafava to the committee.

20 – COMMUNICATION – Candlewood Terrace Water Problems

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

21 – COMMUNICATION – Acceptance of Temporary Road – Powderhorn Ridge

Mr. Saadi 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.

22 – COMMUNICATION – Reports regarding renumbering of Buckskin Heights. Mr. Nolan asked that this be referred to the Planning Department. Mayor Boughton so ordered.

23 – COMMUNICATION – Lee Avenue Water Extension

Letter from Director of Public Works William Buckley requesting that the water main extension be approved for Lee Avenue because it was incorrectly assumed by the City that a water main already existed. The extension should be granted to the required eight steps and with a ninth step supplying materials to the developer for the water main extension. The water extension at Lee Avenue was approved on the Consent Calendar subject to the required eight steps and an additional ninth step that the City Public Utilities Department supply materials and other services to the developer who will install improvements and the extension as described.

24 – COMMUNICATION – Pleasant Acres Association Water Problems

Report from Director of Public Works William Buckley stating that he has received the bids on the Ta'Agan Point Water System Improvements and portions of Pleasant Acres Water System. In order to proceed he needs a total of \$323,374.50 broken down into two components. The first component has to do with Wondy Way and equals \$48,000. The second component is made up of all the remaining improvements to be made to the Pleasant Acres System that totals \$275,374.50. He requests that the Common Council authorize the allocation of \$323,374.50 from the water fund pending certification of funds from the Director of Finance.

Mr. Levy made a motion to receive the communication and appropriate \$48,000 from the Water Fund, pending certification of funds by the Director of Finance for the Wondy Way portion of the Pleasant Acres Water System. Seconded by Mr. Gogliettino. Motion carried unanimously.

25 – REPORT – Lease of Land at Intersection of Kenosia and Backus Avenues

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the request to lease land at the intersection of Kenosia and Backus Avenues met on December 30, 2002 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado and Dittrich. Also in attendance were Director of Finance Dena Diorio, Assistant Corporation Counsel Les Pinter, Airport Administrator Paul Estefan, Attorney David Grogins, the petitioners David and Mitchell Kaplan, Council President Warren Levy, ex-officio, and Lynn Waller

Mr. Furtado asked Attorney Pinter for a brief overview of the lease. Attorney Pinter said the lease is for an adjacent parking area for tenants on Backus Avenue. The petitioners requested at twenty-year lease with renewal options. The Aviation Commission recommended a twenty-year lease, without a specified rent, with an appraisal to be done in the tenth year. The petitioner submitted an independent appraisal recommending that the rent be set at \$500 per month. The Tax Assessor reviewed the recommendation and concurred with the general value.

Mr. Furtado asked who would bear the cost of the property taxes? Attorney Pinter said that had not been fully discussed, but the Tax Assessor has been adding the taxes as an additional assessment. This should be put into the lease. Mr. Dittrich asked about the CPI. Attorney Pinter said that has been included in recent leases. Mr. Furtado noted that this still needs Planning Commission approval.

Mr. Estefan gave a history of the property and recommended approval of the lease. Mr. Estefan noted that there are sixty parking spaces available. Mr. Furtado asked Mr. Kaplan what he is going to use the property for. David Kaplan said he would use it strictly for parking for the occupants of the property. Attorney Grogins stated that this piece is undersized for this zone. Parts of the piece are wetlands. The use is quite limited. Mr. Dittrich asked if there have been any complaints or citizen input in terms of the use of this property for parking. Mr. Estefan said there have been no comments received.

Mr. Furtado said it would be his recommendation to approve a twenty-year lease with two five-year options at a rate of \$800 per month. Ms. Diorio stated that the property taxes would be approximately \$1,000 per year.

Mr. Dittrich made a motion to approve the lease, pending approval of the Planning Commission, with the appraisal every tenth year, and a CPI adjustment annually, with the property taxes to be paid by the lessee, at a rental rate of \$800 per month for a twenty-year period with two five-year renewal options. Seconded by Mr. Furtado. Motion carried unanimously.

Mr. McAllister made a motion to receive the report and approve its recommendations. Seconded by Mr. Shuler.

Attorney Pinter noted that Mrs. Baker's analysis was done independently, not on behalf of the Aviation Commission. It compares retail property with commercial

property. This property have no aviation use, it is only good for commercial use. The master plan would have to be amended.

Mr. Darius made a motion to table this report. Seconded by Mr. Kelly. The Mayor noted that a yes vote would table the report and a no vote would allow discussion to continue. Motion to recommit failed with Council Members Null, Kelly, Darius and Setaro voting yes.

Mr. Kelly made a motion to recommit the report. Seconded by Dean Esposito. Motion to recommit failed with Council Members Null, Kelly, Dean Esposito, Darius and Setaro voting in the negative.

After discussion, Mr. Saadi moved the question. Seconded by Mr. McAllister. Motion carried with Mr. Darius voting in the negative.

Main motion carried with Council Members Null, Kelly, Dean Esposito and Setaro voting in the negative and Mr. Darius abstaining.

26 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Building Department, Health and Housing, Department. Mr. Levy made a motion to accept the department reports and waive the reading as all members have copies that are on file in the clerk's office for public inspection. Seconded by Mr. McAllister. Motion carried unanimously.

Mayor Boughton appointed the Governmental Entities Review and Evaluation consisting of Michael Moore, Eileen Coladarci, Vincent Nolan, Mark Chory and Mary Saracino.

Mayor Boughton replaced Council Member Mazzuchelli with Council Member Christian Dittrich as Chairman of item 21 from the October agenda.

27 – Mr. Levy made a motion to add a request for a committee to review snowplowing of private roads. Seconded by Mr. Gogliettino. Motion carried with Mr. Nolan and Mr. Furtado voting in the negative.

Mr. Levy asked that this be referred to an ad hoc, the Director of Public Works and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Kelly, Coladarci and Dittrich to the committee.

28 – Mr. Levy made a motion to add Elmwood Place to the agenda. Seconded by Mr. McAllister. Motion carried with Mr. Furtado voting in the negative.

Letter from Director of Public Works William Buckley requesting that Elmwood Place be accepted as a public highway because it has recently come to his attention that the ownership of the road is in question. In order for utility services to be run to the Senior Center – Elmwood Hall – the utility companies need assurance that Elmwood Place is a public street.

Mr. Levy made a motion to accept Elmwood Place as a public highway. Seconded by Mrs. Basso. Motion carried unanimously.

There being no further business to come before the Common Council a motion was made by Mr. Gogliettino for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor

