

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

RE: Minutes of the Common Council Meeting held July 1, 2003

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, Coladarci, Buzaid, Dean Esposito, Machado, Levy, John Esposito, Saadi, Basso, Darius, Furtado, Gogliettino, Moore, Neptune, Setaro

ABSENT – Kelly, Scozzafava, Dittrich

17 PRESENT – 3 ABSENT

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – A good job was done on the bond package.

Margaret Mitchell, 2 Park Place – East Ditch Funding

Patricia Bragdon, Cedar Drive – Very pleased that the Cedar Drive problem is on the agenda. She hopes it is quickly resolved.

Gerald Daly, 9 Wintergreen Hill – Tarrywile Park Authority is in full support of the bond issue, especially for Tarrywile and environmental issues.

Herb Krate, 4 Alan Road – Spoke regarding the Lake Waubeeka Water System. He was dismayed that the Planning Commission issued a negative recommendation as other systems have been accepted.

MINUTES – Minutes of the Common Council Meeting held June 3, 2003. Mr. Levy made a motion to approve the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Gogliettino. Motion carried unanimously.

(At 7:42 P.M. Mr. Kelly arrived and was parked present)

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

6 – Adopt the resolution authorizing the Corporation Counsel's Office to acquire easements required for the Cedar Drive drainage system subject to and only upon prior approval by the Planning Commission as described.

7 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$43,611.75 in accordance with Section 19a-202 of the Connecticut General Statutes as described.

8 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$338,564.00 for the School Based Health Center as described.

9 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$14,057.00 for Preventive Health and Health Service Block Grant as described.

17 – Approve the transfer of \$580 from the Elderly Services Donations account to the Commission on Aging budget as described.

18 – Approve a request to appropriate an additional \$90,000 to the Special Services account 2000.5052 as described.

20 – Approve a request for the City of Danbury to use the following financial institutions for municipal deposit as required by local and state law as described: Bank of Boston Connecticut, Banker's Trust, Citizens Bank, Webster Bank, J. P. Morgan Chase, Municipal

Investors Services Corporation (MBIA), People's Bank, Savings Bank of Danbury, Union Savings Bank, US Bank, Wachovia Bank.

30 – Approve the request of Richard M. and Lynn S. Miano of 15 Starr Road, Lot #K10074, to be included in the Germantown Area Phase II Sanitary Sewer Assessment Project, subject to and only upon prior approval by the Planning Commission.

32 – Approve a request from Joseph M. Cavo of 2 Candlewood Drive to be granted a well easement subject to department reports.

33 – Receive the report from the Publics Work Director and the Corporation Counsel regarding donation of property at Hayes Street and take no action.

35 – Receive the report regarding a sewer extension at 67 Hospital Avenue and approve its recommendations.

36 – Receive a report regarding a sewer extension at 20 Windaway Road and approve its recommendations.

37 – Receive the report regarding a water problem at 26 Pleasant Street and approve its recommendations.

38 – Receive the report regarding the Kenosia Service Center Lease and approve its recommendations.

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

1 – COMMUNICATION – Recommendation to Fill the Sixth Ward Common Council Vacancy. Mr. Setaro made a motion that Paul Rotello be named to fill the sixth ward Common Council vacancy. Seconded by Mr. Machado. Motion carried unanimously. Mr. Rotello was sworn in by Deputy Corporation Counsel Eric Gottschalk and took his seat on the dais.

2 – COMMUNICATION – Resignation of Town Clerk and Recommendation to Fill Vacancy

Letter from Town Clerk Michael Seri tendering his resignation as of June 30, 2003. Mr. McAllister made a motion to accept the resignation and appoint Dean Esposito to fill the remainder of the term effective upon his resignation from the Common Council. Seconded by Mr. Furtado. Motion carried with Council Members Nolan and Basso abstaining.

3 – ORDINANCES – Proposed Bond Issue

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

4 – ORDINANCES – Sewer and Water Extensions

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

5 – ORDINANCES – Review and Evaluation of Government Entities

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

6 – RESOLUTION – Cedar Drive Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to correct drainage problems on Cedar Drive; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in Schedules A and B attached hereto containing the legal descriptions of the properties involved; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owners of said properties upon the amount, if any, to be paid for their respective interests to be taken in and to the real property listed on said schedules.

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to January 1, 2004, property interests as set forth in the attached legal descriptions either by negotiation or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

The resolution authorizing the Corporation Counsel's Office to acquire easements required for the Cedar Drive drainage system subject to and only upon prior approval by the Planning Commission as described was approved on the Consent Calendar.

7 – RESOLUTION – Per Capita Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has made additional per capita funds available for 2003-2004 to municipalities in accordance with Section 19a-202 of the Connecticut General Statutes; and

WHEREAS, the City of Danbury through the Danbury Health and Housing Department has formulated a program to promote optimal public health quality in the City of Danbury; and

WHEREAS, a continuation grant award application for \$43,611.75 with no local match requirement will be processed by the Danbury Health and Housing Department for a grant term of July 1, 2003 through June 30, 2004.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury, Mark D. Boughton, is hereby authorized to apply for and accept said per capita grant funds of \$43,611.75 to execute all contracts or amendments thereof concerning said grant and to take all necessary actions to effectuate the purposes thereof.

The resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$43,611.75 in accordance with Section 19a-202 of the Connecticut General Statutes as described was adopted on the Consent Calendar.

8 – RESOLUTION – School Based Health Center

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's eligibility to apply for a School Based Health Center Continuation Grant in an amount not to exceed \$338,564.00; and

WHEREAS, the grant term will cover a two year period of July 1, 2003 through June 30, 2004 for \$169,282.00 and a second year July 1, 2004 to June 30, 2005 for an additional \$169,282.00 with a local in-kind match of twenty-five percent (25%) per year required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$338,564.00 for the School Based Health Center, as described was approved on the Consent Calendar.

9 – RESOLUTION – Preventive Health Care Block Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the City of Danbury Health and Housing Department that it is eligible to apply for a Preventive Health and Health Services Block Grant in an amount not to exceed \$14,057.00; and

WHEREAS, the grant will cover the period of July 1, 2003 through June 30, 2004 with no local in kind match; and

WHEREAS, the funding will be used for a Youth Violence Prevention Program in conjunction with the School Based Health Centers located at Danbury High School and Broadview Middle School.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for said funds from the Connecticut Department of Public Health and to accept the grant, if awarded.

AND, FURTHER, Mayor Mark D. Boughton is hereby authorized to execute all contracts/agreements in connection therewith and to do all things necessary to effectuate the purposes of said grant.

The resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$14,057.00 for Preventive Health and Health Service Block Grant as described was adopted on the Consent Calendar.

10 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$50 from Henry Blansfield. Mr. Saadi made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Public Buildings Department

Letter from Superintendent of Public Buildings Richard Palanzo requesting permission to accept a donation of used office furniture from the Goodrich Corporation. Mr. McAllister made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

12 – COMMUNICATION – Donation to Rogers Park

Letter from the Rotary Club offering to donate to the City the sum of \$3,600 for the combined funding of the Rogers Park Pond signage, a plaque dedicating the bridge in memory of the late Basil Friscia and a tree in the memory of the late Dr. Harold Knapp. 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. McAllister. Motion carried unanimously.

13 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept donations in the amount of \$2,200 from Dominic Badaracco and of a training mannequin from The Leardal Medical Corporation. Mr. Nolan made a motion to receive the communication, accept the donations, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Moore. Motion carried unanimously.

14 – COMMUNICATION – Donation to the City Shelter

Letter from Welfare Director Deborah MacKenzie requesting permission to accept a donation in the amount of \$78 from Leslie Schail to the City Shelter. Mr. Saadi made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Dean Esposito. Motion carried unanimously.

15 – COMMUNICATION – Starbucks Coffee Donation

Letter from Director of Finance Dena Diorio requesting permission to accept a donation in the amount of \$1,000 from Starbucks Coffee. 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 Dean Esposito. Motion carried unanimously.

16 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Leo McIlrath requesting permission to accept donations in the total amount of \$270.00 for use of the Senior Center. Mr. Moore 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.

17 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Leo McIlrath for a transfer of funds in the amount of \$580 from the Elderly Services donations account to the Commission on Aging budget. The transfer of funds was authorized on the Consent Calendar.

18 – COMMUNICATION – Police Department Special Services Account

Request from Chief of Police Robert Paquette for an appropriation of \$90,000 for the Police Special Services Account. These funds are returned to the general fund as indirect revenue from the private sector. The transfer of funds was authorized on the Consent Calendar.

19 – COMMUNICATION – Request for a Committee to study Wooster Heights Traffic.

Mr. Gogliettino asked that this be referred to an ad hoc committee and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Moore, Rotello and Basso to the committee.

20 – COMMUNICATION – Accepted Banks for Municipal Deposits

Request from Director of Finance Dena Diorio that Bank of Boston Connecticut, Banker's Trust, Citizen's Bank, Fleet Bank, Webster Bank, J. P. Morgan Chase, Municipal Investors Services Corporation (MBIA), Peoples Bank, Savings Bank of Danbury, Union Savings Bank, US Bank and Wachovia Bank be approved for municipal deposits. The request for the above banks to be approved for municipal deposits was approved on the Consent Calendar.

21 – COMMUNICATION – Request for Implementation of the law upgrading the Veteran's Property Tax Exemption.

Mr. McAllister asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Director of Veterans Affairs, a representative of the American Legion and a representative of the Veterans Council.

Mayor Boughton so ordered and appointed Council Members Saadi, John Esposito and Nolan to the committee.

22 – COMMUNICATION – Roberts Avenue Replacement School Building Committee

Request from Director of Public Works William Buckley that a replacement be named to the Roberts Avenue Replacement School Building Committee to fill the vacancy due to the resignation of David Mazzuchelli. Mr. Levy made a motion that Manny Furtado be appointed to the Roberts Avenue Building Committee. Seconded by Mr. Nolan. Motion carried unanimously.

23 – COMMUNICATION – Request to purchase City Land on Oakland Avenue.

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

24 – COMMUNICATION – Oil Mill Road Conveyance to the City

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

25 – COMMUNICATION – Request to Purchase City Land on Robin Hood Road

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

26 – COMMUNICATION – Request for Sewer Extension on Juniper Ridge Drive

Mr. Gogliettino asked that this be referred to the Planning Commission and to the Director of Public Works to begin the process. Mayor Boughton so ordered.

27 – COMMUNICATION – Request for Sewer Extension – 40 Clapboard Ridge Road

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

28 – COMMUNICATION – Request to Purchase City Land on Barnum Court

Mr. McAllister asked that this be referred to the Corporation Counsel, Jack Kozuchowski, the Director of Public Works and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

29 – COMMUNICATION – Sewer and Water Assessment Process

Request from Director of Public Works William Buckley that an ad hoc committee be established to discuss a new approach to the sewer and water assessment process. Mr. Saadi asked that this be referred to an ad hoc committee, the Director of Public Works, the Director of Finance and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Coladarci, Furtado and Nolan to the committee.

30 – COMMUNICATION – Request to be included in the Germantown Phase II Sanitary Sewer Project.

The request of Richard M. and Lynn S. Miano of 15 Starr Road, Lot #K10074, to be included in the Germantown Area Phase II Sanitary Sewer Assessment Project, subject to and only upon prior approval by the Planning Commission was approved on the Consent Calendar.

31 – COMMUNICATION – Duck Street

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

32 – COMMUNICATION – Reports regarding well easement at 2 Candlewood Drive

Reports from the Director of Public Works William Buckley, the Planning Commission and the Corporation Counsel recommending that the easement be granted. The request was granted on the consent calendar subject to department reports.

33 – COMMUNICATION – Reports regarding Hayes Street/Aqua Vista

Reports from the Director of Public Works and the Corporation Counsel stating that the City has no need to purchase this property. The reports were received on the Consent Calendar and no action taken.

34 – REPORT & ORDINANCES – Reapportionment

Mr. Levy submitted the following report and ordinances:

The Common Council met as a committee of the whole on June 23, 2003 immediately following a public hearing in the Common Council Chambers in City Hall.

Mr. McAllister made a motion to recommend adoption of the ordinance changing the voting wards of the city and the ordinance regarding voting precincts designated. Seconded by Mr. Gogliettino. Mr. Nolan asked what changes had been made. Mr. Levy said the changes were technical and not substantive enough to warrant revisiting.

Motion carried with Council Members Nolan, Scozzafava and Basso voting in the negative.

THAT Section 2-4.2 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-4.2. Voting precincts designated.

Hereafter, there shall be sixteen (16) voting precincts within the limits of the City of Danbury as designated below:

- (1) That portion of the 138th Assembly District situated within the first municipal ward shall be designated as 1-138.
- (2) That portion of the 110th Assembly District situated within the first municipal ward shall be designated as 1-110.
- (3) That portion of the 109th Assembly District situated within the first municipal ward shall be designated as 1-109.
- (4) That portion of the 138th Assembly District situated within the second municipal ward shall be designated as 2-138.
- (5) That portion of the 109th Assembly District situated within the second municipal ward shall be designated as 2-109.
- (6) That portion of the 109th Assembly District situated within the third municipal ward shall be designated as 3-109.
- (7) That portion of the 109th Assembly District situated within the fourth municipal ward shall be designated as 4-109.
- (8) That portion of the 110th Assembly District situated within the fourth municipal ward shall be designated as 4-110.

(9) That portion of the 110th Assembly District situated within the fifth municipal ward shall be designated as 5-110.

(10) That portion of the 2nd Assembly District situated within the fifth municipal ward shall be designated as 5-002.

(11) That portion of the 109th Assembly District situated within the fifth municipal ward shall be designated as 5-109.

(12) That portion of the 110th Assembly District situated within the sixth municipal ward shall be designated as 6-110.

(13) That portion of the 2nd Assembly District situated within the sixth municipal ward shall be designated as 6-002.

(14) That portion of the 138th Assembly District situated within the seventh municipal ward shall be designated as 7-138.

(15) That portion of the 110th Assembly District situated within the seventh municipal ward shall be designated as 7-110.

(16) That portion of the 2nd Assembly District situated within the seventh municipal ward shall be designated as 7-002.

THAT Section 2-4.3 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 2-4.3. Voting wards of city.

The seven (7) wards of the City of Danbury are designated and bounded as follows, reference being to the centerline of all streets and highways mentioned:

FIRST WARD: Commencing at the point where the highway known as Ball Pond Road intersects the boundary line of the City of Danbury and the Town of New Fairfield, thence southeasterly and southerly along said Ball Pond Road to its intersection with Padanaram Road, thence southeasterly along Padanaram Road to Padanaram Avenue, thence southerly and easterly along Padanaram Avenue to North Street, thence southerly along North Street to south side of Interstate I-84, thence northeasterly along the south side of Interstate I-84 to Tamarack Avenue, thence southeasterly along Tamarack Avenue to the southerly entrance to the Immanuel Lutheran Church Cemetery at Tamarack Avenue, thence through the Wooster Cemetery to the most northerly point in Ellsworth Avenue thence southwesterly along Ellsworth Avenue to the intersection of Ellsworth Avenue and Osborne Street, thence southwesterly along Osborne Street to the intersection of Osborne Street and Maple Avenue, thence northwesterly along Maple Avenue to the intersection of Maple Avenue and Patch Street, thence westerly along Patch Street to the intersection of Patch Street and Main Street, thence southerly along Main Street to the intersection of Main Street and Franklin Street, thence northwesterly along the following street and road, Franklin Street, Franklin Street Extension and Middle River Road to the intersection of Middle River Road and Boyce Road, thence northerly along Boyce Road to the intersection of Boyce Road and Terra Glen Road, thence westerly along Terra Glen Road to the intersection of Terra Glen Road and Richter Drive thence southwesterly along Richter Drive to the intersection of Richter Drive and Middle River Road thence westerly along Middle River Road to the intersection of West King Street, thence westerly along West King Street to the New York State line, thence northerly along the New York State line to the corner intersection with the Danbury-New Fairfield boundary line, thence easterly along the Danbury-New Fairfield boundary line to the point or place of beginning.

SECOND WARD: Commencing at a point located on the Danbury-New Fairfield boundary line, said point of beginning situated within the limits of Lake Candlewood and being one and two-tenths (1.2) miles westerly of the town bound stone marking the junction of the towns of New Fairfield and Brookfield and the City of Danbury, thence generally southerly through the center, more or less, of Lake Candlewood to a point in Hayestown Road where said road is located on a dike of Lake Candlewood, said point being the approximate midpoint of the dike, thence northeasterly, southeasterly and easterly along Hayestown Road to Great Plain Road, thence generally southerly along Great Plain Road to Germantown Road, thence southerly along Germantown Road to Hospital Avenue, thence westerly along Hospital Avenue to the intersection of Hospital Avenue and Forest Avenue, thence northerly along Forest Avenue to the intersection of Forest Avenue and Moran Avenue, thence northerly along Moran Avenue to the intersection of Moran Avenue and Virginia Avenue Extension, thence westerly along Virginia Avenue Extension to Tamarack Avenue, thence southerly along Tamarack Avenue to Hospital Avenue thence southerly along Hospital Avenue to Osborne Street, thence westerly along Osborne Street to Ellsworth Avenue, thence northwesterly and northeasterly along Ellsworth Avenue to the most northerly point in Ellsworth Avenue, thence through Wooster Cemetery to the southerly entrance to the Immanuel Lutheran Church cemetery at Tamarack Avenue, thence northwesterly along Tamarack Avenue to the north side of Interstate 84, thence westerly along the north side of Interstate 84 to Exit 6 to North Street, thence southerly along North Street to Padanaram Avenue, thence westerly and northerly along Padanaram Avenue to Padanaram Road, thence northwesterly along Padanaram Road to Ball Pond Road, thence northerly and northwesterly along Ball Pond Road to its intersection with the boundary line of the City of Danbury and the Town of New Fairfield, thence easterly along said Danbury-New Fairfield boundary line to the point or place of beginning.

THIRD WARD: Commencing at a stone bound marking the junction of the towns of Brookfield and New Fairfield and the City of Danbury and being the northeasterly boundary corner of the City of Danbury, thence southerly along the boundary of Danbury-Brookfield to the intersection of Federal Road, thence generally southwestwardly along Federal Road to White Street, thence westerly along White Street to the intersection of White Street and Homestead Avenue, thence northerly along Homestead Avenue to James Street, thence westerly along James Street to Locust Avenue, thence northwesterly along Locust Avenue to Osborne Street, thence westerly along Osborne Street to Hospital Avenue, thence northerly along Hospital Avenue to Tamarack Avenue, thence northerly along Tamarack Avenue to Virginia Avenue Extension, thence easterly along Virginia Avenue Extension to the intersection of Virginia Avenue Extension and Moran Avenue, thence southerly and easterly along Moran Avenue to Forest Avenue, thence southerly along Forest Avenue to Hospital Avenue, thence northeasterly and southerly along Hospital Avenue to Germantown Road, thence northerly along Germantown Road to Great Plain Road, thence generally northerly along Great Plain Road to Hayestown Road, thence generally westerly along Hayestown Road to a point in Hayestown Road at the approximate center of the dike of Lake Candlewood, thence generally northerly through the approximate center of Lake Candlewood to a point on the Danbury-New Fairfield boundary line located within the limits of Lake Candlewood being one and two-tenths (1.2) miles westerly of the junction of the towns of New Fairfield and Brookfield and the City of Danbury, said junction marked by a stone bound, thence easterly along said boundary line to the point or place of beginning.

FOURTH WARD: Commencing at a point where the boundary line between the City of Danbury and the Town of Brookfield intersects the centerline of Federal Road thence running easterly along said boundary line to the intersection with the boundary line between the City of Danbury and the Town of Bethel, thence southerly, southwestwardly and westerly along the City of Danbury and Town of Bethel boundary line to the intersection with Coal Pit Hill Road, thence northwesterly along Coal Pit Hill Road to South Street, thence westerly along the centerline of South Street to a point, thence northerly along a line perpendicular to the centerline of South Street to a point, being the southwest corner of the site of the South Street School, thence generally northerly along the westerly property line of the site of the South Street School to the northerly property line of the site of the South Street School, thence generally easterly along the northerly property line of the site of the South Street School to the easterly property line of the site

of the South Street School, thence generally southerly along the easterly property line of the site of the South Street School to the southeast corner of the site of the South Street School, thence along a line perpendicular to the northerly boundary line of South Street to said boundary line, thence easterly along said line to Town Hill Avenue, thence northerly along the following street and avenue, Town Hill Avenue to Nichols Street to Pahquioque Avenue, thence northerly across the Still River and through Danbury Railroad yard to the intersection of White Street and Moss Avenue, thence easterly along White Street to the intersection of White Street and Locust Avenue, thence northwesterly on Locust Avenue to the intersection of Locust Avenue and James Street, thence easterly along James street to the intersection of James Street and Homestead Avenue, thence southerly along Homestead Avenue to White Street, thence easterly along White Street to Federal Road, thence northeasterly along Federal Road to the point or place of beginning.

FIFTH WARD: Commencing at a point where Coal Pit Hill Road intersects the boundary line between the City of Danbury and the Town of Bethel thence running southerly along the City of Danbury and the Bethel boundary line to the point where it intersects the boundary corner between said Danbury and the Town of Redding, thence westerly along the Redding boundary line to the point where it intersects the boundary corner between said City of Danbury and the Town of Ridgefield, thence northwesterly along said City of Danbury and Ridgefield boundary line to the point where it is intersected by Sugar Hollow Road (U.S. Route 7), thence northerly along Sugar Hollow Road (U.S. Route 7) to Wooster Heights Road, thence northeasterly along Wooster Heights Road to Southern Boulevard, thence southeasterly along Southern Boulevard to Blind Brook, thence northerly along Blind Brook to Jefferson Avenue, thence northerly along Jefferson Avenue to West Wooster Street, thence northeasterly along West Wooster Street to Deer Hill Avenue, thence northwesterly along Deer Hill Avenue to West Street, thence easterly along West Street to Main Street, thence northwesterly along Main Street to the intersection of Main Street and Patch Street, thence easterly along Patch Street to the intersection of Patch Street And Maple Avenue, thence southerly along Maple Avenue to the intersection of Maple Avenue and Osborne Street, thence easterly along Osborne Street to the intersection of Osborne Street and Locust Avenue, thence southeasterly along Locust Avenue to the intersection of Locust Avenue and White Street thence westerly along White Street to the intersection of Moss Avenue, thence southerly through the railroad yard and across the Still River to the intersection of Pahquioque Avenue and Nichols Street, thence southerly along Nichols Street and Town Hill Avenue to a point on the northerly boundary line of South Street, thence westerly along said line to a point, thence northerly along a line perpendicular to the northerly boundary line of South Street to a point, being the southeast corner of the site of the South Street School, thence generally northerly along the easterly property line of the site of the South Street School to the northerly property line of the site of the South Street School, thence generally westerly along the northerly property line of the site of the South Street School to the westerly property line of the site of the South Street School, thence generally southerly along the westerly property line of the site of the South Street School to the southwest corner of the site of the South Street School, thence along a line perpendicular to the centerline of South Street to said centerline, thence northeasterly along the centerline of South Street to Coal Pit Hill Road, thence southeasterly along Coal Pit Hill Road to the point or place of beginning.

SIXTH WARD: Commencing at the point where the Sugar Hollow Road (U.S. Route 7) intersects the boundary line between the City of Danbury and the Town of Ridgefield, thence northerly and northwesterly along the City of Danbury and Ridgefield boundary line to the point where said boundary line between the City of Danbury and the Town of Ridgefield turns to the west, thence from said point northwesterly and westerly along Briar Ridge Road to Old Ridgebury Road, thence northerly along Old Ridgebury Road to Interstate I-84, thence southeasterly along the middle of Interstate I-84 to Kenosia Avenue, thence northerly along Kenosia Avenue to Mill Plain Road, thence generally easterly along the following road, avenue and street Mill Plain Road, Lake Avenue Extension, Lake Avenue and West Street to Beaver Street, thence northerly along Beaver Street to the intersection of Beaver Street and Rose Street, thence easterly along Rose Street to the intersection of Rose Street and Kennedy Avenue, thence southeasterly along Kennedy Avenue to the intersection of Kennedy Avenue and Elm Street, thence easterly along Elm Street to the intersection of Elm Street and Main Street, thence

southeasterly along Main Street to West Street, thence southwesterly along West Street to Deer Hill Avenue, thence southerly along Deer Hill Avenue to West Wooster Street, thence southwesterly along West Wooster Street to Jefferson Avenue, thence southerly along Jefferson Avenue to Blind Brook, thence southerly along Blind Brook to Southern Boulevard, thence northwesterly along Southern Boulevard to Wooster Heights Road, thence southwesterly along Wooster Heights Road to Sugar Hollow Road (U.S. Route 7), thence southerly and along Sugar Hollow Road (U.S. Route 7) to the point or place of beginning.

SEVENTH WARD: Commencing at the point where the boundary line between the City of Danbury and the Town of Ridgefield intersects the New York State line, thence northerly along the New York State and City of Danbury boundary line to West King Street, thence southeasterly along West King Street to Middle River Road, thence southerly and southeasterly along Middle River Road to the intersection of Middle River Road and Richter Drive, thence northeasterly along Richter Drive to the intersection of Richter Drive and Terra Glen Road thence easterly along Terra Glen Road to the intersection of Terra Glen Road and Boyce Road, thence generally south along Boyce Road to Middle River Road thence southeasterly along the following road and street, Middle River Road, Franklin Street Extension and Franklin Street to Main Street, thence southeasterly along Main Street to the intersection of Main Street and Elm Street, thence westerly along Elm Street to the intersection of Elm Street and Kennedy Avenue, thence westerly and northwesterly along Kennedy Avenue to Rose Street, thence westerly along Rose Street to Beaver Street thence southerly along Beaver Street to West Street, thence westerly, southwesterly and northwesterly along the following street, avenue and road, West Street, Lake Avenue, Lake Avenue Extension and Mill Plain Road to Kenosia Avenue, thence southerly along Kenosia Avenue to Interstate I-84, thence northwesterly along the middle of Interstate I-84 to Old Ridgebury Road, thence southerly along Old Ridgebury Road to Briar Ridge Road, thence easterly and southeasterly along Briar Ridge Road to a point where the boundary line between the City of Danbury and Town of Ridgefield turns to the west, thence westerly along City of Danbury and Town of Ridgefield boundary line to the point or place of beginning.

Mr. McAllister made a motion to receive the report and adopt the ordinances. Seconded by Mr. Gogliettino. Mr. Darius asked the Corporation Counsel what changes were made. Attorney Gottschalk stated that a number of changes made to the map were reflective to material prepared by Mr. Levy in the form of a chart. There were a couple of exceptions to that such as a block of seven people and retention of 500 people in the fifth ward to reflect the misdesignation of some blocks in the first ward. Mr. Darius asked if there should be a new copy to reflect any changes. Attorney Gottschalk stated that these are the first ordinances.

Mr. Saadi stated that we have had the ordinances for some time. The committee of the whole acted on it. He asked Attorney Gottschalk if any changes on the map were consistent with the written documents. Attorney Gottschalk said that was correct.

Motion carried with Council Members Nolan, Basso and Darius voting in the negative.

35 – REPORT – Request for Sewer Extension – 67 Hospital Avenue

Dean Esposito submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 67 Hospital Avenue met on June 5, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Dean Esposito and Pauline Basso. Also in attendance were Director of Public Works William Buckley and the petitioner, Diana Sniffen.

Dean Esposito asked Mr. Buckley to give an overview of the request. Mr. Buckley showed a map of the location and said that it would be possible to extend the sewer from either Third or Fourth Avenue. Mr. Buckley recommended approval of this extension subject to the required eight steps.

After further discussion, and with a positive recommendation from the Planning Commission, Mrs. Basso made a motion to recommend approval of the sewer extension to 67 Hospital Avenue subject to the required eight steps. Seconded by Dean Esposito and passed unanimously.

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

36 – REPORT – Request for Sewer Extension – 20 Windaway Road

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 20 Windaway Road met on June 17, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado and Buzaid. Also in attendance were Director of Public Works William Buckley, the petitioner, Luciana Macari and Council Member John Gogliettino, ex-officio.

Mr. Machado noted the positive recommendation of the Planning Commission. Mr. Buckley explained the two ways to extend the sewer.

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

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

37 – REPORT – Water Problem at 26 Pleasant Street

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the water problem at 26 Pleasant Street met on June 17, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Buzaid and Scozzafava. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Council Members Levy and Gogliettino, ex-officio and Julius Klepacz of 28 Pleasant Street.

Mr. Machado asked Mr. Buckley to review the water problem. Mr. Buckley stated that a property owner built a home on Park Avenue. He feels that a drainpipe was installed in the backyards on Pleasant Street when there was a vacant lot. The pipe carried water out to Park Avenue. He thinks the builder broke the pipe. Terry Tarlton, a resident on Pleasant Street, decided to install a new pipe if the builder of the new house would give him a legal easement. The owner agreed to do so. The pipe has been installed, but not finished. A long-term solution is in the making. Mr. Tarlton expects to get an easement and expects the problem to be resolved when it stops raining. He advised Mr. Klepacz that the neighbors should contribute to the installation of the pipe because the property owner is giving you a legal easement.

Mr. Scozzafava made a motion to take no action. Seconded by Mr. Buzaid. Motion carried unanimously.

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

38 – REPORT – Kenosia Service Center Lease

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review the Kenosia Service Center Lease met on June 24, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado and Machado. Also in attendance were Director of Parks and Recreation Robert Ryerson, Assistant Corporation Counsel Les Pinter, Council

Members Levy and McAllister, ex-officio, Michael Diker of Danbury Youth Soccer and members of the public.

Mr. Furtado noted the positive recommendation from the Planning Commission. Mr. Ryerson said that lease would allow Danbury Youth Soccer to run the concession stand. Attorney Pinter stated that this is a five-year lease running through 2008. Mr. Ryerson said that the Service Center is just a shell and \$10,000 has been budgeted to get it up and running. He said that the hours would coincide with the hours of Kenosia Lake. Mr. Diker asked if they would be prohibited from outsourcing to a food provider? Attorney Pinter said the lease could provide for outsourcing. Mr. Furtado asked if one million dollars would be enough insurance? Attorney Pinter said that the Risk Manager said it would.

Mr. Machado made a motion to recommend approval of the lease, with outsourcing to a food provider allowed, subject to all requirements. Seconded by Mr. Furtado. Motion carried unanimously.

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

39 – REPORT – Lake Waubeeka Water System

Mr. Furtado submitted the following report:

The Common Council Committee appointed to review taking over the Lake Waubeeka Water System met on June 24, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Furtado, McAllister and Basso. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Council President Warren Levy, ex-officio, Herb Krate from Lake Waubeeka and members of the public.

Mr. Furtado noted the negative recommendation from the Planning Commission. Mr. Buckley said this is the second largest water company in the City and serves over 1,000 people. It is his recommendation that we have our consultant do an evaluation of the system. He did get some information from the State Department of Health that does not show any problems. Mr. Krate stated that they are in the process of putting in a ten-inch well and they have a storage capacity of 150,000 gallons. They have assets of over one million dollars and would have to deed some land over to the City.

Mr. McAllister said he is concerned about the negative recommendation from the Planning Commission since the system is outside the proposed water service area and there is potential liability. Mr. Buckley said the City has taken on a number of systems outside the service area. The cost of the study would be \$10,500 and would come from the Water Fund.

Mrs. Basso made a motion to approve the study if the sum of \$10,500 is available. If it is not available, the study should be done when the funds become available. Seconded by Mr. Furtado. Attorney Pinter noted that it would take a two-thirds vote of the Common Council to override the Planning Commission report. Motion carried with Council Members Furtado and Basso voting in the positive and Council Member McAllister voting in the negative.

Mr. Saadi made a motion to recommit this report for further consideration. Seconded by Mr. Nolan. Motion carried with Mr. McAllister voting in the negative. Mayor Boughton appointed Council Members Moore, Machado and Dittrich to the committee.

40 – REPORT – Ambulance Contract and Billing Services Agreement with MedFinancial – WITHDRAWN

41 – REPORT – Winthrop Place and West Wooster Neighborhood Watch

Mr. Machado submitted the following report:

The Common Council Committee appointed to review the request of the Winthrop Place and West Wooster Neighborhood Watch met on June 17, 2003 at 8:05 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Machado, Buzaid and Basso. Also in attendance were Assistant Corporation Counsel Les Pinter, Police Officers Ed Lopes and Jay Mortara, the petitioners Bob and Kris Kaczka, Council Members Levy, Scozzafava and Gogliettino, ex-officio and residents of the neighborhood.

Mrs. Kraczka stated that Winthrop Place is a single-family dwelling neighborhood. There is rental property on the street, which is being inhabited by a great number of adults who are unrelated. There are a number of existing problems such as mattresses in the front yard, cars parked all over the street, excessively loud music and foul language. They have been dealing with this problem for three years. She contacted Officer Lopes and he suggested that they form a neighborhood watch group. She kept coming up against roadblocks in Planning and Zoning. She could not get a clear definition of a single-family dwelling. She said she received a great deal of help from the Police Department. They changed the parking to one side of the street only.

Mr. Machado asked Officer Lopes for his observations and recommendations. Officer Lopes said these residents are being tormented. People in that house park wherever that want. They have no respect for their neighbors or for authority. They do not care how many times they are ticketed. It is common to see cars parked on the lawn. This is a zoning matter and should be enforced. The property owner should be fined. The tenants refuse to move their cars even during snowstorms. Mr. Buzaid asked why the cars are not being towed. Officer Mortara said they are legally registered.

Mr. Gogliettino said there is a blight ordinance in effect. We have a zoning enforcement officer who is not doing his job. Officer Lopes said that zoning regulations and the blight ordinance should be enforced. City agencies have to do their jobs.

Mrs. Basso made a motion to have the blight officer and the zoning enforcement officer make this a priority and report back to the Common Council within ten days. Seconded by Mr. Machado. Motion carried unanimously.

Mr. Gogliettino made a motion to receive the report and adopt its recommendations. Seconded by Mrs. Basso. Mayor Boughton stated that Tim Bunting has been to the neighborhood. A report has not yet been submitted because legislative action was necessary. Mr. Levy thanked the committee for doing an excellent job. Motion carried unanimously.

42 – COMMUNICATION – Pending Litigation (Executive Session)

Mr. Levy made a motion that this be moved to the end of the agenda. Seconded by Mr. Gogliettino. Motion carried unanimously.

43 – DEPARTMENT REPORTS – Public Works, Fire Chief, Police Chief, Fire Marshall, Permit Center, Department of Elderly Services, Health and Housing, Building, Parks and Recreation. Mr. Levy made a motion to accept the reports as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Furtado. Motion carried unanimously.

At 8:27 Mr. Levy made a motion to enter into executive session. Seconded by Mr. Saadi. Motion carried unanimously.

At 9:02 P.M. the Common Council reconvened in open session.

42 – Mr. Saadi made a motion to approve the settlement in Goodrich v. City of Danbury as recommended by the Corporation Counsel for tax years 2001 and 2002-2005 and to authorize the Corporation Counsel and the Mayor to execute the necessary documents to effectuate the settlement. Seconded by Mr. Darius. Motion carried unanimously.

44 – RESOLUTION – Continuum of Care HUD Funding

Mr. Levy made a motion to add this resolution to the agenda as item 44. Seconded by Dean Esposito. Motion carried with Council Members Kelly and Furtado voting in the negative.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the United States Department of Housing and Urban Development ("HUD") makes grant funds available to local governments pursuant to the Continuum of Care Homeless Assistance Programs; and

WHEREAS, the Continuum of Care Homeless Assistance Programs are intended to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons to move to self-sufficiency and permanent housing and thereby end chronic homelessness; and

WHEREAS, over the past several years the Greater Danbury Continuum of Care programs have been the result of a partnership among the City of Danbury, The Danbury Housing Authority and the State of Connecticut Greater Danbury Mental Health Authority; and

WHEREAS, THE \$335,088.00 one year renewal of the Shelter Plus Care award in effect since 1998 with no local match required for 30 certificates for rental subsidies, the \$142,000.00 one year renewal of Project Rose for leasing and supportive service for 6 families requiring an in-kind match of \$11,402.00 consisting of staff and administrative time and a new application for \$743,940.00 for additional Shelter Plus Care certificates for 9 families for the next 5 years will require an application to HUD; and

WHEREAS, the submission of applications to HUD for new and renewal project funding consistent with the currently approved Consolidated Plan is in the best interests of the City of Danbury.

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 make application to HUD pursuant to the terms of the Continuum of Care Homeless Assistance Programs, including both new and renewal projects, and that Mayor Boughton be and hereby is authorized to take any additional action that may be necessary to effectuate the purposes hereof.

Mr. Levy made a motion to receive the communication and adopt the resolution. Seconded by Mrs. Basso. Motion carried with Mr. Furtado voting in the negative.

45 – COMMUNICATION – Donation of Sweetheart Bus

Mr. Levy made a motion to add this item to the agenda as item 45. Seconded by Mr. McAllister. Motion carried with Mr. Nolan voting in the negative.

Letter from Airport Administrator Paul Estefan requesting permission to accept the donation of a surplus Sweetheart Bus from Hart Bus to Civil Preparedness and the Danbury Police Department to be used by the crime scene unit personnel.

Mr. Levy made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Gogliettino. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Nolan for the meeting to be adjourned at 9:10 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor

