

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

RE: Minutes of the Common Council meeting held August 5, 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, Null, Coladarci, Kelly, Buzaid, Rotello, Scozzafava, Levy, Esposito, Saadi, Basso, Furtado, Gogliettino, Moore, Neptune, Setaro

ABSENT – McAllister, Machado, Dittrich, Darius

16 PRESENT – 4 ABSENT

PUBLIC SPEAKING

Maria Goriglia, 29 Woodbury Drive – Water and Sewer Proposals

Karen Alhage, 6 Ta'Agan Point Road – Spoke in favor of the City accepting Irving Place as a City road. They have a difficult time with emergency vehicles and parking is a major problem.

MINUTES – Minutes of the Common Council Meeting held July 1, 2003. Mr. Levy made a motion that the minutes be accepted as presented and the reading waived as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Nolan. Motion carried unanimously.

CONSENT CALENDAR – Mr. Esposito submitted the following items for the Consent Calendar:

3 – Adopt the resolution to apply for and accept grant funding from the Connecticut Department of Public Health in the amount of \$34,141.37 for a Smallpox Mass Vaccination and a Bioterrorism Response Preparedness program as described.

5 – Adopt the resolution to authorize the Corporation Counsel, subject to and only upon prior approval by the Planning Commission, to acquire drainage easements at East Gate Road as described in Schedules A and B.

6 – Adopt a resolution to authorize Mark D. Boughton, Mayor of the City of Danbury to execute the first supplement agreement for the construction of the Thorpe Street Bridge as described.

7 – Approve the appointment of K. T. Shartouni, Marie D. Carroll and Carol Elder as members of the Lake Kenosia Commission.

8 – Approve the appointment of John N. Ashkar as a member of the Aviation Commission.

9 – Approve the appointment of Frank J. Cappiello as a member of the Parking Authority.

10 – Approve the appointment of William J. Mills as a member of the Environmental Impact Commission

11 – Approve the appointment of Frank J. Klecha and Richard J. Hale as members of the Conservation Commission

16 – Approve the reappropriation of \$22,678.55 to the 2003-04 fiscal year budget.

17 – Approve the transfer of \$701 from the Elderly Services Donations Account to the Commission on Aging budget as described.

18 – Approve the transfer of \$12,405 from Insurance & Official Bond Premium, Auto Insurance Deductible Expense to the Department of Parks and Recreation Part-time account as described.

19 – Approve the reappropriation of \$203,344.84 to the Water Fund and \$304,382.31 to the Sewer Fund for the 2003-04 fiscal year budget as described.

28 – Receive the report regarding sewer extension at 4 Cedar Crest Drive and approve its recommendation

30 – Receive the report regarding sewer and water extension at 17 Mill Plain Road and approve its recommendations.

31 – Receive the report regarding sewer and water extension at 40 Old Brookfield Road and approve its recommendations.

32 – Receive the report regarding an ambulance contract with BSI and billing services agreement with MedFinancial and approve its recommendations.

Mr. Moore made a motion that the consent calendar be adopted as presented. Seconded by Mr. Gogliettino. Motion carried unanimously.

1 – COMMUNICATION – Appointment to fill the Fifth Ward Common Council Vacancy

A letter from the Democratic Town Committee recommending that Fred Visconti be appointed to fill the vacancy on the Common Council in the Fifth Ward. Mr. Levy made a motion that Fred Visconti be appointed to fill the Fifth Ward Common Council vacancy. Seconded by Mr. Scozzafava. Motion carried unanimously.

2 – COMMUNICATION – Appointment to Fill Zoning Commission Vacancy

A letter from the Democratic Town Committee recommending that Ernest Boynton be appointed to fill the vacancy on the Zoning Commission. Mr. Esposito made a motion to appoint Ernest Boynton to fill the Zoning Commission vacancy. Seconded by Mr. Setaro. Motion carried unanimously.

3 – RESOLUTION – Bioterrorism Response Preparedness Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Centers 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, were made available to the Danbury Health and Housing Department for the Bioterrorism Response Preparedness Grant; and

WHEREAS, an additional \$15,000.00 will be made available to the Danbury Health and Housing Department for the purpose of developing a regional smallpox mass vaccination plan where the City of Danbury is the region; and

WHEREAS, for the time period of April 1, 2002 through August 20, 2003, amended grant funds not to exceed \$34,141,37 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. 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 \$34,141.37 for a Smallpox Mass Vaccination and a Bioterrorism Response Preparedness program as described was approved on the Consent Calendar.

4 – RESOLUTION – Local Law Enforcement Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Justice, Bureau of Justice Assistance (BJA) under the Fiscal Year 2003 Omnibus Appropriations Act (Pub.L. 104 208) has advised the City of Danbury of its eligibility to apply to BJA for a direct award of \$21,400.00 under this program with a local cash match of \$2,568.00 required; and

WHEREAS, the funding under this new program will be used by the Danbury Police Department to purchase various items of equipment to enhance effective law enforcement within the City of Danbury; and

WHEREAS, the grant period will run for 24 months from the date of the initial payment received.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to apply for and accept such grant award and the Mayor is authorized to sign any contracts/documents in connection therewith and do all things necessary to effectuate the purposes of said grant.

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

5 – RESOLUTION – East Gate Road Storm Drainage Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to correct drainage problems on East Gate Road; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in the 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 February 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 to authorize the Corporation Counsel, subject to and only upon prior approval by the Planning Commission, to acquire drainage easements at East Gate Road as described in Schedules A and B, was adopted on the Consent Calendar.

6 – RESOLUTION – Replacement of Thorpe Street Extension Bridge

RESOLVED by the Common Council of the City of Danbury:

Federal Project No. BRZ – 6034(6)
State Project No. 34-270
City Project No. 93-209

Thorpe Street Extension Bridge

That Mark D. Boughton, Mayor of the City of Danbury, is hereby authorized to execute the FIRST SUPPLEMENTAL AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE CITY OF DANBURY FOR THE CONSTRUCTION, INSPECTION AND MAINTENANCE REQUIRED IN CONJUNCTION WITH THE REPLACEMENT OF THE THORPE STREET EXTENSION BRIDGE (BRIDGE NO. 05097) OVER KOHANZA BROOK, together with such other documents as may be necessary for the accomplishment of the purposes thereof.

The resolution to authorize Mark D. Boughton, Mayor of the City of Danbury to execute the first supplement agreement for the construction of the Thorpe Street as described was approved on the Consent Calendar.

7 – COMMUNICATION – Appointments to the Lake Kenosia Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the appointments of K. T. Shartouni and Marie D. Carroll to the Lake Kenosia Commission for terms to expire May 1, 2006 and the reappointment of Carole Elder for a term to expire May 1, 2006. The appointments and reappointment were confirmed on the Consent Calendar.

8 – COMMUNICATION – Reappointment to the Aviation Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of John N. Ashkar for a term to expire July 1, 2006. The reappointment was confirmed on the Consent Calendar.

9 – COMMUNICATION – Reappointment to the Parking Authority

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of Frank J. Cappiello to the Parking Authority for a term to expire July 1, 2008. The reappointment was confirmed on the Consent Calendar.

10 – COMMUNICATION – Appointment to the Environmental Impact Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the appointment of William J. Mills to the Environmental Impact Commission for a term to expire December 1, 2003. The appointment was confirmed on the Consent Calendar.

11 – COMMUNICATION – Reappointments to the Conservation Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointments of Frank J. Klecha and Richard J. Hale to the Conservation Commission for terms to expire July 1, 2006. The reappointments were confirmed on the Consent Calendar.

12 – COMMUNICATION – Donation to the Parks and Recreation Department

Request from Director of Parks and Recreation Director Robert Ryerson asking for permission to accept a donation in the amount of \$1,500 from the Danbury Westerners to be used for field improvements at Rogers Park lighted ball field. 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.

13 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation from the Barden Foundation in the amount of \$2,000 and the Danbury Fair Mall Penny Fund in the amount of \$250 to be used for purchasing a LCD projector for the delivery of fire prevention programs and a donation in the amount of \$2,500 from Marcus Dairy to be used to assist in purchasing defibrillation equipment and a donation from the United Way of Central Naugatuck Valley in the amount of \$92.50 to be used for volunteer training. Mrs. Basso made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Furtado. Motion carried unanimously.

14 – COMMUNICATION – Donation to the Library

Request from Library Director Betsy McDonough requesting permission to accept a donation from Edyce D. Hornig in the amount of \$22.00. A motion was made by Mr. Furtado 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.

15 – COMMUNICATION – Donations to the Department of Elderly Services

Request from Director of Elderly Services Susan Tomanio Turner for permission to accept donations in the amount of \$345 to be used by the Senior Center. A motion was made by Mrs. Basso to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Ms. Neptune. Motion carried unanimously.

16 – COMMUNICATION – Reappropriation of Funds – Animal Control Fund

Request from Director of Finance Dena Diorio asking that the Common Council approve the reappropriation of \$22,678.55 from the Animal Control Fund's Fund Balance. As is customary after the close of the fiscal year, because of the accounting regulations, purchase orders that are encumbered to the Animal Control Fund are carried forward to the new budget unless they have been completed prior to the end of the fiscal year. The reappropriation of \$22,678.55 to the 2003-04 fiscal year budget was authorized on the Consent Calendar.

17 – COMMUNICATION – Reappropriation of Donated Funds

Request from Director of Elderly Services Susan Tomanio Turner for a transfer of funds in the amount of \$701 from the Elderly Services Donations account to the Commission on Aging Budget. A certification of funds was attached. The reappropriation of funds was authorized on the Consent Calendar.

18 – COMMUNICATION – Funds for the Parks and Recreation Department

Request from Director of Parks and Recreation Robert Ryerson asking for a transfer of funds in the amount of \$12,405 for the part-time salaries account to balance the year ending negative balance. A certification of funds was attached. The transfer of funds was authorized on the Consent Calendar.

19 – COMMUNICATION – Water and Sewer Fund Appropriations

Request from Director of Finance Dena Diorio asking permission to re-appropriate the sum of \$203,344,84 to the Water Fund accounts and \$304,382.31 to the Sewer Fund accounts as is customary at the end of the fiscal year. The Reappropriations were approved on the Consent Calendar.

20 – COMMUNICATION – Disposal of Surplus Vehicles, Equipment and Fire Alarm Boxes

Letter from Purchasing Agent Charles Volpe requesting permission to sell the above surplus items to the highest bidders. Mr. Gogliettino made a motion to receive the communication and grant the request. Seconded by Mr. Saadi. Motion carried unanimously.

21 – COMMUNICATION – Request for Water Extension – 1001 Crow’s Nest Lane

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

22 – COMMUNICATION – Agreement regarding Professional Baseball Team

Mr. Moore asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Director of Public Works, the Planning Commission, Floyd Hall and a representative of the Reserve. Mayor Boughton so ordered and appointed Council Members Saadi, Furtado and Nolan to the committee.

23 – COMMUNICATION – Request for a committee to review and reform the manner in which the City handles proposals for new sewer and water service.

Mr. asked that this be referred to the existing committee regarding item 29 on the July agenda. Mayor Boughton so ordered. The committee consists of Council Members Coladarci, Furtado, and Nolan.

24 – COMMUNICATION – Request for committee to review how to foster better cooperation between the various departments regarding police, blight enforcement and health issues.

Mr. Nolan asked that this be referred to an ad hoc committee, the Corporation Counsel, the Chief of Police, the Blight Enforcement Officer, the Director of Health and the Zoning Enforcement Officer. Mayor Boughton so ordered and appointed Council Members Nolan, Scozzafava and Gogliettino to the committee.

25 – COMMUNICATION – Request for Sewer Extension, Lot 1, DePalma Lane

Mr. Saadi 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, McAllister and Basso to the committee.

26 – COMMUNICATION – Request for Sewer Extension – 56 Benson Drive

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

27 – COMMUNICATION – Abandonment of International Drive

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.

28 – REPORT – Request for Sewer Extension – 4 Cedar Crest Drive

Mr. Gogliettino submitted the following report:

The Common Council Committee appointed to review the request for sewer extension at 4 Cedar Crest Drive met on July 17, 2003 at 7:30 P.M. In attendance were committee members Gogliettino and Kelly. Also in attendance were Director of Public Works William Buckley, Council President Warren Levy, ex-officio and the petitioner, Francisco Montero.

Mr. Gogliettino noted the positive recommendation from the Planning Commission. Mr. Gogliettino asked Mr. Buckley for an overview of the request. Mr. Buckley said this is a single-family home on the corner of Cedar Crest and Aunt Hack Road. He would recommend approval subject to the required eight steps. The petitioner would have to hire an engineer and submit plans at his expense.

Mr. Kelly made a motion to recommend approval of the request for sewer extension subject to the required eight steps. Seconded by Mr. Gogliettino. Motion carried unanimously.

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

29 – REPORT – Request to Accept Irving Place as a City Road

Mrs. Coladarci submitted the following report:

The Common Council Committee appointed to review the request to accept Irving Place as a City road met on July 7, 2003 at 7:10 P.M. in the Third Floor Caucus Room. In attendance were committee members Coladarci and Neptune. Also in attendance were Director of Public Works William Buckley, Associate Corporation Counsel Raymond Yamin, Council Members Levy and Basso, ex-officio and the petitioners George Schneider and Janina Laurin.

Ms. Coladarci noted the positive recommendation from the Planning Commission. Mr. Buckley stated that in 1977 the Common Council passed a resolution outlining the same problems that still exist. At that time they had to post a \$3,000 bond. Today, it will cost \$25,000 to put the road in shape. It needs curbing, shoulders, driveway ramps and road pavement. The City needs the title to the road right-of-way, the title to water and sewer lines and some easements that are needed where hydrants were placed on private property. If the Common Council does not want to appropriate the \$25,000 he will find it in the budget somewhere. Acceptance should be conditional upon acquisition of the title to the road right of way, titles to sewer and water lines and all necessary easements. He will work with Chief Paquette to institute a ban on parking on the left side of the road. This will allow for road maintenance.

Ms. Neptune made a motion to recommend acceptance of Irving Place as a City road subject to the City acquiring title to the road right of way, titles to sewer and water lines and all necessary easements. Seconded by Ms. Coladarci. Motion carried unanimously.

Mr. Saadi made a motion to receive the report and adopt its recommendations. Seconded by Mr. Nolan. Motion carried unanimously.

30 – REPORT – Request for Sewer and Water Extensions – 17 Mill Plain Road

Ms. Neptune submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions met on July 7, 2003 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Neptune and Buzaid. Also in attendance were Director of Public Works William Buckley, Associate Corporation Counsel Raymond Yamin, Council Members Levy and Basso, ex-officio and the petitioner, Bill Asmar.

Ms. Neptune noted the positive recommendation from the Planning Commission. Mr. Asmar stated that he would like to extend the sewer line although he does not have plans for development at this time. Mr. Buckley explained where the sewer and water lines run and recommends approval of the request subject to the required eight steps.

Mr. Buzaid made a motion to recommend approval of the request subject to the required eight steps. Seconded by Ms. Neptune. Motion carried unanimously.

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

31 – REPORT – Request for Sewer and Water Extensions – 40 Old Brookfield Road

Mr. Kelly submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extension at 40 Old Brookfield Road met on July 17, 2003 in the Third Floor Caucus Room in City Hall. In attendance were committee members Kelly, Coladarci and Basso. Also in attendance were Director of Public Works William Buckley, Council President Warren Lev, ex-officio and the petitioner, Richard Howard.

Mr. Kelly noted the positive recommendation from the Planning Commission. Mr. Kelly asked Mr. Buckley for an overview of the project. Mr. Buckley said that this project was originally in the Jackson Drive Area Project. They are going to run the line out to Federal Road. They are going to install two sections of sewer and three manholes. It is at the proper grades and elevation, with properly recorded easements so that nothing has to be upset in the future. He recommends an additional ninth step authorizing the City to provide the petitioner with the material that they would install to the City's specifications and plans.

Mrs. Coladarci made a motion to approve the request subject to the required eight steps, as well as a ninth step authorizing the City to provide the petitioner with the material with installations to the City's specifications and plans. Seconded by Mrs. Basso. Motion carried unanimously.

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

32 – REPORT – Ambulance Contract and Bill Services Agreement with MedFinancial

Mr. Levy submitted the following report:

The Common Council Committee appointed to review the ambulance contract and the billing services agreement with MedFinancial met on June 18, 2003 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Levy, Saadi and Nolan. Also in attendance were Director of Finance Dena Diorio, Corporation Counsel Robert Yamin, Fire Chief Peter Siecienski, Matt Cassavecchia from BSI, Noel Roy, Jr. from MedFinancial, Council Members Basso and McAllister, ex-officio, and Lynn Waller.

Ms. Diorio stated that BSI had the contract with MedFinancial, but they are now separate. We are now doing an initial bill with three statements and have added one phone call. Regarding the fee, we will pay 10% up to an agreed level and anything above that will be at 12½ %. The City is trying to avoid going to collection and will not report bad debts to a credit agency. The City does not pursue legal action and will not put liens on people's property. The City has asked BSI to submit their vehicle maintenance reports 15 days after the end of the month and to submit better reporting on training. Chief Siecienski stated that service has been expanded to the west side of the City. This may or may not work and we will have to take a close look at the numbers. There are minor drawbacks such as the need to come back into the inner City.

Mr. Cassavecchia stated that new language has been added stating that services may be decreased if the call volume goes down. Noel Roy stated that the new contract allows them to go after the extra dollars before collection.

Mr. Saadi asked Chief Siecienski if the contract insures that qualifying requirements are the same or better than they were. The Chief said they have remained the same but BSI goes over and above the qualifying requirements. Mr. Saadi questioned the 180 days termination requirements and Ms. Diorio said it was an agreed upon timeframe. Ms. Diorio stated that the City has decided to hire a separate auditor. Mr. Nolan stated that he feels pulling back on credit reporting fees is good. Mr. Levy requested that under reporting of fiscal year ending on page 8, language be added to require reporting to the Common Council.

Mr. Saadi made a motion to approve the service agreement with MedFinancial and the contract with BSI, with the sole change requiring reporting to the Common Council. Seconded by Mr. Nolan. Motion carried unanimously.

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

33 – DEPARTMENT REPORTS – Public Works, Permit Center, Fire Chief, Police Chief, Fire Marshall, Health and Housing, Welfare, Department of Elderly Services, Building Department, Parks and Recreation. Mr. Levy made a motion to receive 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.

34 – COMMUNICATION – Donation for Rabbi Malino Memorial

Letter from Mayor Boughton requesting permission to accept a donation in the amount of \$11,400 from the Marcus Family to cover the cost of small granite monuments to be erected for the Rabbi Malino Memorial Walk on Deer Hill Avenue between the United Jewish Center and the corner of West Street. Mr. Gogliettino made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Buzaid. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Nolan at 8:10 P.M. for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON, Mayor