

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

RE: Minutes of the Common Council Meeting held September 8, 2004

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** – McMahon, Trombetta, Calandrino, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Nagarsheth, Payton, Riley, Seabury, Stanley

**ABSENT** – Burns, Saadi, Barry

18 PRESENT – 3 ABSENT

Ms. Burns had a work commitment; Mr. Saadi was out of the Country and Mr. Barry was ill.

### **PUBLIC SPEAKING**

Morton Riefberg, 5 Pond Ridge Road – spoke in favor of item 26, sewers for Candleview Ridge.

**MINUTES** – Minutes of the Common Council Meeting held August 3, 2004. Mr. Nolan made a motion to adopt 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 Ms. Saracino. Motion carried unanimously.

**CONSENT CALENDAR** – Mrs. Basso presented the following items for the Consent Calendar:

- 2 – Receive the communication and adopt the Resolution.
- 3 – Receive the communication and adopt the Resolution.
- 4 – Receive the communication and adopt the Resolution.
- 5 – Receive the communication and adopt the Resolution.
- 6 – Receive the communication and adopt the Resolution.
- 7 – Receive the communication and adopt the Resolution.
- 8 – Receive the communication and adopt the Resolution.
- 9 – Receive the communication and adopt the Resolution.
- 10 – Receive the communication and adopt the Resolution.
- 11 – Receive the communication and adopt the Resolution.
- 12 – Receive the communication and approve the appointment of Donald Kennedy to fill a vacancy on the Zoning Commission.
- 18 – Receive the communication and approve the disposal of surplus vehicles and equipment as proposed by the Purchasing Agent.
- 23 – Receive the communication and approve the extension of the previously authorized sewer and water extensions.
- 33 – Receive the communication and taken no action at this time.
- 35 – Receive the report and adopt the committee's recommendation to take no action.
- 36 – Receive the report and adopt the committee's recommendation.

38 – Receive the report and approve the appointment of Matthew Kennedy as an Alternate Member of the Planning Commission.

Mr. Cavo made a motion that the Consent Calendar be adopted as presented. Seconded by Mr. Riley. Mr. Nolan asked that item 3 be referred to the Planning Commission. Motion carried unanimously.

1 – ORDINANCE – Review and Evaluation of Government Entities

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

2 – RESOLUTION – Assignment of Real Estate & Water/Sewer Tax Liens

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes 12-195h authorizes any municipality to assign, for consideration, any and all liens filed by the tax collector to secure unpaid taxes on real property; and

WHEREAS, the City of Danbury previously assigned certain real estate tax liens to American Tax Funding, LLC (“ATF”); and

WHEREAS, the assignment of additional tax liens on the grand list of October 1, 2003 to ATF with Foothill Capital Corp. as a secured party, relating to the same properties covered by the tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City; and

WHEREAS, the assignment of certain water and sewer liens to ATF, with Foothill Capital Corp. as a secured party, relating to the same properties covered by tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY that Mayor Mark D. Boughton be and hereby is authorized to accomplish the assignment to ATF with Foothill Capital Corp. as a secured party, of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand list of October 1, 2003, and having a value of \$470,954.84 (less any amounts paid on or after August 18, 2004) as well as the assignment of certain water and sewer liens having a value of \$30,502.28 (less any amounts paid on or after August 18, 2004) and that Mayor Boughton be and hereby is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

The communication was received on the Consent Calendar and the resolution adopted.

3 – RESOLUTION – Hawthorn Terrace Water System Improvements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on November 6, 2003, the Common Council of the City of Danbury authorized the design and construction of improvements to the existing Hawthorn Terrace water system; and,

WHEREAS, the City of Danbury engineering department is nearing completion of the design of improvements; and,

WHEREAS, in the course of preparing said design it was determined that two existing water system pump houses and the properties on which they are located need to be acquired by the city; and

WHEREAS, the acquisition of said properties is in the best interests of the City of Danbury; and,

WHEREAS, eminent domain proceedings will be necessary in the event that the City of Danbury cannot agree with the owner named in Schedule A, upon the amount to be paid for the interests to be taken in and to the real property described in said schedule;

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury be and hereby is authorized to acquire the property interests as set forth in Schedule A attached hereto, either by negotiation or by eminent domain, through the institution of suit on or before March 1, 2005, against the named property owner, its successors and assigns as well as against mortgage holders and encumbrancers of the property, if any.

The communication was received on the Consent Calendar, the Resolution adopted and referred to the Planning Commission.

#### 4 – RESOLUTION – East Ditch Storm Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision 2 bond package is proceeding through plans and designs, to make necessary improvements to the East Ditch Storm Sewer; and

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

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, and R attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

#### 5 – RESOLUTION – Downtown Parking Garage

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury pursuant to authorization through the Vision 2 bond package, is proceeding through plans and designs to construct a downtown parking garage; and

WHEREAS, in order to undertake the above referenced project, the City must acquire certain parcels of land or interests in real property as described in the Exhibits attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements and property interests as set forth on EXHIBITS A, B, C, D, E, F and G attached hereto in

accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

6 – RESOLUTION – Olive Street/Tilden Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, is proceeding through plans and designs to make necessary improvements to the Olive Street/Tilden Road sanitary sewer; and

WHEREAS, the property to be acquired is described and identified in EXHIBIT A attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easement set forth on EXHIBIT A attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

7 – RESOLUTION – Backus Avenue

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, is proceeding through plans and designs, to make necessary improvements to the Backus Avenue sanitary sewer; and

WHEREAS, the property to be acquired is described and identified in EXHIBITS A, B, C, and D attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C and D attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

8 – RESOLUTION – North Main Street

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, on January 23, 2003, the City of Danbury, acting through its Redevelopment Agency, adopted a Redevelopment Plan which is designed to further the renewal and revitalization of downtown Danbury; and

WHEREAS, said Redevelopment Plan provides for the improvement of a portion of the North Main Street area of Danbury; and

WHEREAS in order to implement said Redevelopment Plan the acquisition of certain pieces or parcels of land will be necessary; and

WHEREAS, eminent domain proceedings will be required if the City of Danbury cannot agree with the property owners upon the amount to be paid for their interests in said parcels.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL of the City of Danbury, that said Redevelopment Plan is hereby approved and that the City of Danbury through the Office of Corporation Counsel, be and hereby is authorized to acquire the aforesaid properties, as more particularly described in Exhibits A through G attached hereto, in accordance with procedures established in state law, either by negotiation or by eminent domain through the institution of suit against the interested property owners and holders of mortgages or other encumbrances upon the properties, if any, on or before March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

9 – RESOLUTION – Cobblestone Trail

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to accept Cobblestone Trail as a City street; and

WHEREAS, as part of the acceptance of Cobblestone Trail, the City of Danbury seeks to correct drainage problems on the road; and

WHEREAS, it will be necessary to acquire interest in and to real property as set forth in Schedules A, B and C 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 March 1, 2005, 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 communication was received on the Consent Calendar and the resolution adopted.

10 – RESOLUTION – Senior Center Campus

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury has received HUD financing approval through the HUD Development Block Grant Section 108 Program, for development of the proposed Senior Center Campus; and

WHEREAS, the development of the Campus will require the acquisition of several parcels of land in the vicinity of the existing Senior Center; and

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

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

WHEREAS, it is in the best interest of the City of Danbury to acquire said properties and proceed with the Senior Center Campus project.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the properties set forth on EXHIBITS A and B attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages or other inconsistent interests encumbering the properties, if any, by March 1, 2005.

The communication was received on the Consent Calendar and the resolution adopted.

11 – RESOLUTION – Shore Road

RESOLVED by the Common Council of the City of Danbury:

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel, be and hereby is authorized to acquire the property interests as set forth in the attached legal description, on or before March 1, 2005, either by negotiation or by eminent domain through the institution of suit against the property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers, if any.

The communication was received on the Consent Calendar and the resolution adopted.

12 – COMMUNICATION – Appointment to the Zoning Commission

Recommendation from the Republican Town Committee that Donald Kennedy, 6 Elaine Drive, be appointed to fill the vacancy on the Zoning Commission. The appointment was approved on the Consent Calendar.

13 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a donation in the amount of \$3,000 from The Leir Foundation to assist in acquiring additional rescue equipment and a donation of bottled water in the amount of \$300 from Crystal Rock Bottled Water. Mr. Seabury made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

14 – COMMUNICATION – Donations to the Health & Benefits Fair

Request from Director of Finance & Personnel Dena Diorio asking permission to accept door prizes to be raffled off as part of the activities at the Employee Health & Benefits Fair to be held on September 22, 2004. Mrs. Diggs made a motion to receive the communication, accept the donations and send letters of thanks. Seconded by Mrs. Teicholz. Motion carried unanimously.

15 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the total amount of \$50 to the Department of Elderly Services. Mr. Riley made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

16 – COMMUNICATION – Donation from Boehringer Ingelheim

Letter from Mayor Mark Boughton requesting permission to accept a donation from Boehringer Ingelheim Cares Foundation and Boehringer Ingelheim Pharmaceuticals in the amount of \$911 to be divided between the Fire and Police Departments. Mr. Trombetta made a motion to receive the communication, accept the donation, credit the appropriate line items and send letters of thanks. Seconded by Mr. Urice. Motion carried unanimously.

17 – COMMUNICATION – Use of Court House Property on Main Street

Letter from Mayor Mark Boughton requesting permission to execute an agreement with the State of Connecticut Judicial Branch to allow the City to use the property during the 911 Memorial Ceremony on September 11, 2004. Mr. Nolan made a motion to authorize the Mayor to execute the agreement with the State of Connecticut Judicial Branch for use of the property. Seconded by Mrs. Basso. Motion carried unanimously.

18 – COMMUNICATION – Disposal of Surplus Vehicles and Equipment

Request from Purchasing Agent Charles Volpe asking permission to sell surplus vehicles and equipment to the highest bidders. The communication was received on the Consent Calendar and the disposal of surplus vehicles and equipment to the highest bidders approved.

19 – COMMUNICATION – Request for Ad Hoc Committee regarding duplicate Street Names

Mr. Cavo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Planning Director, the Fire Chief and the Police Chief. Mayor Boughton so ordered and appointed Council Members Basso, Cavo and Saadi to the committee.

20 – COMMUNICATION – Request for an Ad Hoc Committee regarding Cornell Road

Mr. Cavo asked that this be referred to an ad hoc committee, the Corporation Counsel, the Planning Director, the Fire Chief and the Police Chief. Mayor Boughton so ordered and appointed Council Members Basso, Cavo and Saadi to the committee.

21 – COMMUNICATION – Request for Ad Hoc Committee regarding Pocket Bikes

Mrs. Payton asked that this be referred to an ad hoc committee, the Corporation Counsel, and the Chief of Police. Mayor Boughton so ordered and appointed Council Members Saracino, Nagarsheth and Esposito to the committee.

22 – COMMUNICATION – Indian Spring Water Company

Mr. Nagarsheth asked that this be referred to an ad hoc committee, the Director of Public Works, the Director of Finance, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Calandrino, Cavo and Barry to the committee.

23 – COMMUNICATION – Request for Extension of Time – Woodland Group

Request from Attorney Paul Jaber for an eighteen month extension of time in connection with sewer and water extensions approved by the Common Council at its April 2003 meeting for the above project. The communication was received on the Consent Calendar and the extension of time granted.

24 – COMMUNICATION – Request for Water Extension – 32-34 Lawncrest Road

Mrs. Teicholz 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 Teicholz, Diggs and Esposito to the committee.

25 – COMMUNICATION – Request for Sewer Extension – 55 Hospital Avenue

Mr. Riley 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 Trombetta, Burns and Visconti to the committee.

26 – COMMUNICATION – Request for Sewer Extension – Candleview Ridge

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

27 – COMMUNICATION – Proposed Sanitary Sewer Extension – 10 Great Pasture Road

Mrs. McMahon asked that this be referred to the Director of Public Works and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

28 – COMMUNICATION – Relocation of Sanitary Sewer and Water Main – 114 Federal Road – Home Depot

Mr. Urice asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Saracino, Nagarsheth and Esposito to the committee.

29 – COMMUNICATION – 6 Concord Street LLC

Mrs. Stanley asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Riley, Stanley and Visconti.

30 – COMMUNICATION – AutoZone, 336 Main Street

Ms. Saracino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works, the Tax Assessor to place a value on the easement and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Riley, Stanley and Visconti to the committee.

31 – COMMUNICATION – 47 Middle River Road – Storm Drainage

Mrs. Diggs asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Nolan, McMahon and Saadi to the committee.

32 – COMMUNICATION – Petition to Accept Cannondale Drive as a City Road

Mrs. Stanley asked that this be referred to the Director of Public Works for a report back within thirty days. Mayor Boughton so ordered.

33 – COMMUNICATION – Reports regarding Maple View Lane Acceptance

Negative reports from the Director of Public Works and the Planning Commission at this time due to problems with the as-built plans. The reports were received on the Consent Calendar and no action taken.

34 – COMMUNICATION – Report regarding Haley Street Paving

Mr. Steinerd asked that this be referred to an ad hoc committee, the Director of Public Works, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Cavo, Calandrino and Barry to the committee.

35 – REPORT – Personnel Director

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the Personnel Director's position met on August 23, 2004 at 7:00 P.M. in Conference Room 3C. In attendance were committee members Nolan, Saracino and Esposito. Also in attendance were Mayor Mark Boughton, Attorney Gabe Jiran of Shipman and Goodwin, Director of Finance Dena Diorio, Director of Public Works William Buckley, Fire Chief Peter Siecienski, Council Members Basso, Cavo, Calandrino, McMahon, Teicholz, Visconti, Seabury, Stanley and Urice, ex-officio and members of the public.

Mr. Nolan stated that the committee was called in response to a letter from Bernard Gallo dated June 30, 2004. The letter raised several questions. The first was regarding the Mayor's budget for fiscal year 2004-05 transferring the duties of the personnel director to the Director of Finance. Mr. Gallo states that this is in direct conflict with, and in violation of, the Charter. The second question concerns the payment of salary and benefits to the former director and if there is a legal basis for her being paid without performance of duties. A third question is who has the responsibility for separation agreements and payments. Next, it is stated that the former director cannot be a consultant or advisor to the Personnel Department because there is no provision in either the 2003-04 or 2004-05 budgets to pay for an advisor. Lastly, it is stated that if she is performing consulting duties, the terms of her employment and duties must be disclosed and the Common Council must make the decision that this work is commensurate with the full salary and benefits of the position of Personnel Director. The other items in the letter are editorial opinion and rumors, which this committee will not address.

Mr. Nolan asked Mayor Boughton to address the scope of the Charter and the transfer of duties. The Mayor gave an overview of the reorganization plan. During the last budget deliberations he was looking for ways to save taxpayer dollars and decided not to fund the position of Personnel Director. He immediately came to terms with Ms. DeSantie regarding the end of her employment with the City and then transferred the title to the Director of Finance as had been done under previous administrations. Dena Diorio assumed the position of Personnel Director as of July 1, 2004 as she meets the qualifications as outlined in the Charter.

Mr. Nolan asked Attorney Jiran if this is consistent with the Charter. Attorney Jiran stated that there are two pertinent clauses in the Charter regarding this issue, section 6-6 and section 6-15. The Mayor has the authority to appoint and remove both positions outlined in these sections. There is no prohibition on one person holding both positions. The issue is not addressed anywhere else in the Charter.

Mr. Nolan asked Attorney Jiran to address the question of the settlement of disputes having to be confirmed by the Common Council. Attorney Jiran stated that it is important to note that there has been no settlement of any dispute. There is a separation agreement. The Charter authorizes the Mayor to set the terms and conditions of such agreements and it is the same for employment agreements for employees not covered by collective bargaining units. There is a constraint that money that has not been appropriated cannot be spent. Section 7-9 looks at the entire budget and there can be transfers of funds as long as the appropriation does not exceed the amount appropriated. The use of the Personnel Director in a consulting capacity falls under the same guidelines.

Mr. Nolan asked Mayor Boughton to explain the expectations of the consulting agreement to the extent that there was one. Mayor Boughton stated that it is his belief that everyone needs time to transition out of a job and that the department needed time as well. To keep Ms. DeSantie in the building during this time of transition would have meant she would become involved in new problems as they occurred. He wanted the City to be able to call on her if needed. It has not happened yet, but in the fall she will be needed for some cases that will be heard.

Mr. Nolan asked if the committee members had any questions. Mr. Esposito asked what did happen with the Director of Personnel and Mr. Nolan stated that the Mayor had already answered that question. Mayor Boughton reiterated that it had to do with reorganization. Mr. Nolan asked Mr. Gallo if he would like to address the committee. Mr. Gallo said all his questions had been answered and he was satisfied.

Ms. Saracino made a motion to receive the correspondence and take no action. Seconded by Mr. Esposito. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to take no action approved.

#### 36 – REPORT – Sewers on Karen Road

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the petitioner for sewers on Karen Road met on August 30, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Calandrino and Esposito. Also in attendance were Director of Planning Dennis Elpern, Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley and Council Member Jane Diggs.

Mr. Cavo stated that the Planning Commission issued a negative report due to lack of information. Mr. Elpern stated that the service area only extends to a portion of Karen Road and the Planning Commission did not know what portion of Karen Road this petition addressed. The Engineering Department also did not have this information. Mr. Buckley showed, on a Planning map, the portion of Karen Road that was included in the comprehensive sewer study. The line runs up to the school on Karen Road. Mr. Buckley stated that it would be possible to service Karen Road, but it disrupts the planning study. The sewer plant is not sized to serve the whole community. Mr. Elpern said that the Planning Commission, in the past, has been supportive of extending service outside the service area if there was a pollution problem.

Mr. Esposito said the petitioners are in serious jeopardy due to their tanks overflowing. They are aware of the assessment methodology. Mr. Buckley said that if they have failing septic systems, the boundary could be adjusted to include Karen Road, as the Common Council has done in the past. Mr. Cavo asked if the Common Council moves to proceed with this assessment, what would the timeframe be? Mr. Buckley said it would be three years unless the Council makes it a priority. Mr. Elpern said this could be referred back to the Planning Commission and to the Health Department to determine if there is a pollution problem.

Mr. Calandrino made a motion to authorize the Engineering Department to proceed with the petition for sewers on Karen Road by the assessment method, contingent upon a positive report from the Planning Commission and the Health Department report regarding possible pollution. Seconded by Mr. Cavo. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation adopted.

37 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshal, Department of Public Works, Department of Elderly Services, Health and Housing, Permit Center, Building Department, Economic Development. Mr. Nolan made a motion to receive the department reports and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Nagarsheth. Motion carried unanimously.

#### 38 – COMMUNICATION – Appointment as Alternate to the Planning Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Matthew A. Kennedy of 6 Elaine Street as an Alternate Member of the Planning Commission for a term to expire January 1, 2007. The communication was received on the Consent Calendar and the appointment confirmed.

#### 39 – COMMUNICATION – Fire Department Special Services Account

Mr. Nolan made a motion to add this item as item 39. Seconded by Mr. Urice. Motion carried unanimously.

Request from Fire Chief Peter Siecienski that the sum of \$15,000 be transferred into the Special Services Account due to ongoing events. This is a wash item. Mr. Nolan made a motion to receive the communication and authorize the transfer of funds. Seconded by Mr. Urice. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion to adjourn was made at 8:05 P.M. by Mr. Cavo.

Respectfully submitted,

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JIMMETTA L. SAMAHA, Clerk

ATTEST:

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MARK D. BOUGHTON, Mayor