

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

RE: Minutes of the Common Council Meeting held December 7, 2004

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

PRESENT – McMahon, Burns, Trombetta, Calandrino, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Nagarsheth, Riley, Seabury, Stanley

ABSENT – Payton

20 PRESENT – 1 ABSENT

Mrs. Payton was ill

PUBLIC SPEAKING

Michael Marcus, 24 Lindencrest Drive – in favor of transferring property to the Tarrywile Park Authority

Robert Sniffen, 15 Belmont Circle, Jessie Rodrigues, 54 Chestnut Street, Alex Milleg, 105 Shelter Rock Road and Kelly Nye, 15 Maplewood Drive – all spoke in favor of enacting an underage drinking ordinance.

David Coelho, 52 Aunt Hack Road – Do not close the Rogers Park pool because of the fatality. There should be an ad hoc committee appointed to look into this.

MINUTES – Minutes of the Common Council Meeting held November 4, 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 Mr. Cavo. Motion carried unanimously.

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

1 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut Department of Public Health in the amount of \$83,754.00 for Bioterrorism Response Programs.

3 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply grant and loan funding from the State of Connecticut Department of Transportation Local Bridge Program for the purpose of replacing bridges on Backus Avenue and Padanaram Road.

4 – Receive the communication and authorize the office of Corporation Counsel to take the necessary steps to acquire the listed easements in connection with the Carolyn Avenue area sanitary sewer project.

5 – Receive the communication and authorize the Office of Corporation Counsel to take the necessary steps to acquire the listed easements in connection with the Shore Road storm drainage improvement project.

6 – Receive the communication and adopt the Resolution authorizing the addition of Dan Garrick, Charles J. Volpe, Jr. and Paul Galvin as alternate members of the School Building Committee.

7 – Receive the communication and approve the reappointment of Edward Manuel and Kenneth Keller as members of the Planning Commission.

10 – Receive the communication and authorize the transfer of \$5,100 from the Contingency Account to the Registrars of Voters budget, posted to the line items listed in the correspondence from the Director of Finance and Personnel.

11 – Receive the communication and authorize the transfer of \$30,000 from line item 1000.4609, Sale of Land, to line item 3040.5020 Engineering – Salaries Regular, for the purpose of hiring an Engineer 1 as provided by the agreement with the Woodlands Group.

12 – Receive the communication and authorize the transfer of \$10,000 from line item 1000.4609, Sale of Land, to line item 1220.5030, Planning – Overtime Salaries, for the purpose of addressing zoning violations that are only evident during non-business hours.

13 – Receive the communication and authorize the transfer of \$23,000 from line item 1000.4609, Sale of Land, to line item 2020.5040, Building Inspector – Part-time Salaries, for the purpose of hiring a temporary building inspector for the balance of the current fiscal year.

17 – Receive the communication and approve the extension of the licensing agreement with Lt. Shaun Colgan for the use of the Bear Mountain Cottage for an additional year through December 31, 2005, as per the previous terms.

19 – Receive the communication, approve the assignment of the existing agreement between the City of Danbury and Business Systems, Inc. to Danbury Hospital's non-profit entity Danbury Health Care Affiliates, Inc. and authorize Mayor Mark D. Boughton to execute the appropriate documents.

20 – Receive the report and adopt the recommendations of the Director of Public Works.

21 – Receive the report and adopt the recommendation of the Director of Public Works to accept Benedict Avenue as a City road, subject to the receipt of satisfactory legal documents by the Office of the Corporation Counsel.

22 – Receive the report and adopt the committee's recommendation to approve the road widening and drainage easements at 146 South Street, with a cost of \$900 to be paid by the petitioner.

23 – Receive the report and adopt the committee's recommendation to approve the Engine Co. 25 lease.

25 – Receive the report and adopt the committee's recommendations regarding duplicate street names.

27 – Receive the report and adopt the ordinance modifying the terms of the members of the Board of Directors of the Firefighters Pension Fund.

28 – Receive the report and adopt the committee's recommendation to approve the sanitary sewer extension for the area designated as Section A of the proposed Old Farm Road sanitary sewer extension project.

29 – Receive the report and adopt the committee's recommendation to approve the transfer of three parcels of land from the City to the Tarrywile Park Authority.

30 – Receive the report and adopt the committee's recommendation to approve the extension of sewer and water to 62 Chestnut Street, subject to the required eight steps and a provision for phasing-in the project at the discretion of Public Works.

Ms. Saracino made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Cavo. Mr. Nolan made a motion to amend the Consent Calendar by adding item 24, to receive the report and adopt the committee's

recommendation to proceed with the assessment methodology for future acceptance of Cannondale Drive as a City road and to add it to the list of assessment projects to be addressed by the Director of Public Works. Seconded by Mr. Cavo. Motion to amend carried unanimously. Main motion, as amended, carried unanimously.

1 – RESOLUTION – Bioterrorism Response Preparedness Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Connecticut Department of Public Health has made grant funds available to local health departments to provide for the development of local and regional Public Health Preparedness Planning Grants concerning bioterrorism, the exercise of related drills, the development of local communication resources, and the training of local health department staff, for the period of August 31, 2004 through August 30, 2005; and

WHEREAS, for the time period of August 31, 2004 through August 30, 2005, grant funds not to exceed \$83,754.00, requiring no local match, will be made available to the Danbury Health and Housing Department for a Public Health Preparedness Planning Grant; and

WHEREAS, the Danbury Health and Housing Department will provide the planning, drills, communication, resources, and training services called for in the Grant.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury or the 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 the application are hereby ratified.

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to make, execute and approve on behalf of the City of Danbury all contracts/agreements or amendments thereof, which do not require expenditure of 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 communication was received on the Consent Calendar and the resolution adopted authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut Department of Public Health in the amount of \$83,754.00 for Bioterrorism Response Programs adopted.

2 – RESOLUTION – Regulation of Pocket Bikes

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to the provisions of chapters 246 through 248 of the Connecticut General Statutes, the State of Connecticut regulates certain motor vehicles and their operation on public highways; and

WHEREAS, certain motor operated vehicles commonly known as “pocket bikes” are sold and operated in Danbury; and

WHEREAS, such pocket bikes lack safety equipment and due to their low profile, are difficult to be seen by persons operating other motor vehicles on State and city roads; and

WHEREAS, current state statutes don’t require operators of such pocket bikes to maintain motor vehicle insurance; and

WHEREAS, the absence of registration and insurance requirements pose a risk to operators of other motor vehicles and pedestrians; and

WHEREAS, the proliferation of such pocket bikes throughout the City of Danbury has resulted in numerous complaints from City residents; and

WHEREAS, the City of Danbury believes that it and other municipalities throughout the State of Connecticut should have the authority to regulate and prohibit the use of such pocket bikes on public roads pursuant to state statutes.

NOW, THEREFORE, BE IT RESOLVED THAT in recognition of these concerns, the Common Council of the City of Danbury does hereby respectfully urge the General Assembly of the State of Connecticut to amend the provisions of section 14-1 et. seq. to prohibit the use of such pocket bikes on Connecticut highways or provide municipalities the authority to regulate and prohibit the use of such pocket bikes.

Mr. Cavo made a motion to receive the communication and adopt the resolution and send it to the Hartford delegation for action. Seconded by Mrs. Basso. Motion carried unanimously.

3 – RESOLUTION – State DOT Local Bridge Program – Backus and Padanaram

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to undertake the reconstruction of the Backus Avenue Bridge over a brook and the Padanaram Road Bridge over East Lake Brook; and

WHEREAS, the Connecticut Local Bridge Program allows municipalities to make application to the state for grants and loans for such projects; and,

WHEREAS, under the terms of said program, municipalities may be reimbursed for costs incurred in connection with such projects at the rate of 31.14% and may be eligible for loans in an amount equal to 50% of project costs; and

WHEREAS, the Public Works Department recommends that the City of Danbury submit preliminary applications to the State of Connecticut for funding of the reconstruction of the Backus Avenue Bridge and the Padanaram Road Bridge; and

WHEREAS, the reconstruction of said bridges and the city's participation in the Connecticut Local Bridge Program for said purpose 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 preliminary application for funding of repairs to the Backus Avenue Bridge and the Padanaram Road Bridge pursuant to the Connecticut Local Bridge Program.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply and accept grant funding from the State of Connecticut Department of Transportation Local Bridge Program for the purpose of replacing bridges on Backus Avenue and Padanaram Road adopted.

4 – RESOLUTION – Carolyn Avenue Area Sanitary Sewer Easements

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding with plans and designs to implement the Carolyn Avenue area sanitary sewer project; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D, E and F 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 and F 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 June 1, 2005.

The communication was received on the Consent Calendar and the resolution authorizing the Office of the Corporation Counsel to take the necessary steps to acquire the listed easements in connection with the Carolyn Avenue area sanitary sewer project approved.

5 – RESOLUTION – Shore Road Improvements – Storm Drainage Easements

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 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 June 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 authorizing the Office of the Corporation Counsel to take the necessary steps to acquire the listed easements in connection with the Shore Road storm drainage improvement project approved.

6 – RESOLUTION – School Building Committees – Various School Projects

RESOLVED by the Common Council of the City of Danbury:

That the Danbury Board of Education Building Committee for the Magnet School be as follows:

City Members

William J. Buckley, Jr., Chairman
Patricia A. Ellsworth
Richard Palanzo
Farid Khouri
Dena R. Diorio
Robert Ryerson

Board of Education Members

Michael Fazio
Eileen Alberts
Scott Ferguson
George O’Loughlin
Bobby Poole

School Department Staff
Anthony Paivo

Common Council Members
Mary Saracino
Fred Visconti

NEA Representative
Bill Murray

Alternates
Dan Garrick
Charles J. Volpe
Paul Galvin

That the Danbury Board of Education Building Committee for the New Elementary School (Roberts Avenue Replacement School) be as follows:

City Members
William J. Buckley, Jr., Chairman
Patricia A. Ellsworth
Richard Palanzo
Farid Khouri
Dena R. Diorio
Robert Ryerson

Board of Education Members
Michael Fazio
Eileen Alberts
Scott Ferguson
George O'Loughlin
Bobby Poole

School Department Staff
Anthony Paivo
Anna Rocco

Common Council Members
Mary Saracino
Fred Visconti

NEA Representative
Bill Murray

Alternates
Dan Garrick
Charles J. Volpe
Paul Galvin

THAT the Danbury Board of Education Building Committee for the Rogers Park Middle School Additions and Renovations, Broadview Middle School additions and Renovations, Immanuel Lutheran School upgrading and selective renovation and upgrades at other schools (21st Century Danbury Bond Issue School Improvements Projects) be as follows:

City Members
William J. Buckley, Jr., Chairman
Patricia A. Ellsworth
Richard Palanzo
Farid Khouri
Robert Ryerson

Board of Education Members
Michael Fazio
Eileen Alberts
Scott Ferguson
George O'Loughlin
Bobby Poole

School Department Staff
Anthony Paivo

Common Council Members
Mary Saracino
Fred Visconti

NEA Representative
Bill Murray

Alternates
Dan Garrick
Charles J. Volpe
Paul Galvin

RESOLVED by the Common Council of the City of Danbury:

That the Common Council hereby authorizes the preparation of drawings and specifications and to go to construction for the following: (1) Magnet School; (2) New Elementary School (Robert Avenue Replacement school); and (3) Rogers Park Middle School Additions and Renovations; Broadview Middle School additions and Renovation; Immanuel Lutheran School upgrading and selective renovation and upgrades at other schools (21st Century Danbury Bond Issue School Improvements Projects.)

That the Common Council hereby authorizes the Board of Education to direct the Superintendent of Schools to file applications for school building projects as

follows: (1) Magnet School; (2) New Elementary School (Roberts Avenue Replacement school); and (3) Rogers Park Middle School Additions and Renovations; Broadview Middle School additions and Renovations; Immanuel Lutheran School upgrading and selective renovation; and upgrades at other schools (21st Century Danbury Bond Issue School Improvements Projects.)

The communication was received on the Consent Calendar and the resolution authorizing the addition of Dan Garrick, Charles J. Volpe, Jr. and Paul Galvin as alternate members of the School Building Committee adopted.

7 – COMMUNICATION – Reappointments to the Planning Commission

Letter from Mayor Mark Boughton requesting confirmation of the reappointments of Edward Manuel and Kenneth H. Keller to the Planning Commission. The communication was received on the Consent Calendar and the reappointments confirmed.

8 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations to the Department of Elderly Services in the total amount of \$185.00. Mr. Steinerd made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

9 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting to accept a donation from Wal-Mart Foundation in the amount of \$1,000 and a donation from Hans & Heidi Siemel in the amount of \$100. Mr. Seabury made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Mrs. Basso seconded the motion. Motion carried unanimously.

10 – COMMUNICATION – Request for Funds – Registrar of Voters

Request that the sum of \$5,100 be transferred from the Contingency Account to the Registrar of Voters budget as a result of the Presidential election, the non-binding referendum and the use of the mandated Connecticut Voter Registration System. A certification of funds was attached. The communication was received on the Consent Calendar and the transfer of funds authorize.

11 – COMMUNICATION – Funds for the Engineering Department

Certification from Director of Finance Dena Diorio requesting a transfer of funds in the amount of \$30,000 to fund an engineer through the end of the fiscal year to help expedite site plan reviews for the Reserve. The communication was received on the Consent Calendar and the transfer of funds authorized.

12 – COMMUNIATION – Overtime Funds for Zoning Enforcement

Certification from Director of Finance Dena Diorio requesting a transfer of funds in the amount of \$10,000 to fund overtime expenses associated with enforcing zoning violations regarding illegal apartments. The communication was received on the Consent Calendar and the transfer of funds authorized.

13 – COMMUNICATION – Funds for the Building Department

Certification from Director of Finance Dena Diorio requesting a transfer of funds in the amount of \$23,000 to fund additional hours for a temporary Building Inspector through the end of the fiscal year. The communication was received on the Consent Calendar and the transfer of funds authorized.

14 – COMMUNICATION – Funds for Holiday Lights – CityCenter Danbury

Letter from Director of Finance Dena Diorio requesting that the sum of \$15,000 be appropriated from the Revenue Line Item Sale of Land to be used for holiday lights in CityCenter. Mr. Nolan made a motion to receive the communication and authorize the transfer of funds.

Mr. Saadi asked who requested the transfer. Mayor Boughton said it was not necessarily a request, but it was an understanding from the previous budget deliberations. Mr. Saadi said he was glad to see the funds restored and keep this in mind for the next budget deliberations. Motion carried unanimously.

15 – COMMUNICATION – Request for Committee – Underage Drinking Ordinance

Mr. Urice 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 Seabury, Stanley and Barry to the committee.

16 – COMMUNICATION – Board of Education Energy Cost Savings Program

Ms. Diggs asked that this be referred to an ad hoc committee, the Director of Finance, the Corporation Counsel, the Superintendent of Public Buildings and a representative of the Board of Education. Mayor Boughton so ordered and appointed Council Members Saracino, Riley and Visconti to the committee.

17 – COMMUNICATION – Lease Renewal – Bear Mountain Cottage

Request from the Chairman of the Conservation Commission that Lt. Shaun McColgan be granted renewal of the lease at the Bear Mountain cottage for 2005. The communication was received on the Consent Calendar and the extension of the licensing agreement with Lt. Shaun McColgan for the use of the Bear Mountain Cottage for an additional year through December 31, 2005 as per the previous terms approved.

18 – COMMUNICATION – Proposed Lease Agreement with UB Danbury, 20 Backus Avenue

Mr. Riley asked that this be referred to an ad hoc committee, the Planning Commission, the Corporation Counsel, the Director of Finance and the Tax Assessor. Mayor Boughton so ordered and appointed Council Members Saracino, Teicholz and Esposito.

19 – COMMUNICATION – Ambulance and Advanced Life Support Agreement

Letter from Deputy Corporation Counsel Eric Gottschalk requesting Common Council approval of the transfer the responsibilities created by this agreement from BSI to another wholly owned subsidiary of Danbury Health System called Danbury Health Care Affiliates.

The communication was received on the consent calendar, the assignment of the existing agreement between the City of Danbury and Business Systems, Inc. to Danbury Hospital's non-profit entity Danbury Health Care Affiliates, Inc. approved and Mayor Mark D. Boughton authorized to execute the appropriate documents.

20 – COMMUNICATION – Reports regarding a Sanitary Sewer Extension on Great Pasture Road to the Town of Bethel. The report was received on the consent calendar and the recommendation of the Director of Public Works approved.

21 – COMMUNICATION – Reports regarding Benedict Avenue Road Acceptance

The reports were received on the Consent Calendar and the recommendation of the Director of Public Works to accept Benedict Avenue as a City road, subject to the receipt of satisfactory legal documents by the Office of the Corporation Counsel approved.

Mr. Seabury submitted the following report:

The Common Council Committee appointed to review the request for a road widening easement and a drainage easement at 146 South Street met three times, first on April 26, 2004, secondly on August 24, 2004 and finally on November 15, 2004. Present at all three meetings were Council Members Seabury, Barry and Visconti. Also present at the April 26th meeting were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Attorney Neil Marcus and Council Member Saracino, ex-officio. Present at the August 24th meeting were Attorney David Grogins and Council Member Teicholz, ex-officio. Finally, present at the November 15th meeting were Director of Public Works William Buckley, Corporation Counsel Robert Yamin, Attorney Neil Marcus and Council Members Nolan, Cavo and Saracino, ex-officio.

At the April 25th meeting, Mr. Seabury noted the positive recommendation from the Planning Commission. Mr. Buckley stated that the easements are for widening the road in front of CVS on South Street, as well as a sidewalk easement and a drainage easement from South Street to the little ball field.

Mr. Barry asked where the road-widening parcel is. Mr. Buckley said it is on South Street to allow for a right hand turn onto Memorial Drive. Mr. Barry asked Attorney Gottschalk how the work was done without the easements being in place. Attorney Gottschalk said he had no idea. Mr. Visconti asked how this was done without the approvals? Attorney Marcus said it is not uncommon for the Planning Commission to make this a requirement of a site development plan. They do the work, and then come to the Common Council to accept it. Attorney Gottschalk stated that it is unusual that the work was done on City property without rights being acquired. Mr. Buckley stated that the City could determine that the easements may cost \$10,000.

After further discussion, Mr. Visconti made a motion to continue the meeting to inquire as to the value of an easement from the Tax Assessor, a report on the project from the Planning Director, and a report from the Building Inspector on how a CO was issued on this building. Seconded by Mr. Barry. The motion carried unanimously.

At the August 24th meeting Mr. Seabury said the report from the Tax Assessor had not yet been submitted. Deputy Corporation Counsel Eric Gottschalk suggested that the committee authorize him to negotiate with CVS and report back to the committee with a settlement. Mr. Seabury said that the Tax Assessor asked for a few more weeks to complete the report. Mr. Barry stated that he was disappointed that there was no one present from the Corporation Counsel's Office or from Engineering; therefore Mr. Barry made a motion to grant the Tax Assessor the opportunity to issue an appraisal to Attorney Gottschalk, who is then authorized to negotiate with CVS for finalization, within a timeframe of thirty days. Seconded by Mr. Visconti. Motion carried unanimously.

At the November 15, 2004 Mr. Buckley gave an overview of the project. Mr. Buckley stated that at the April 26th meeting the committee had questions about how a certificate of occupancy was acquired and how it got past the Planning Department and the Zoning Commission and also requested a dollar value of the easements from the Tax Assessor. The road widening is not an issue; the issue is the drainage easement, which is discharged out through Rogers Park. This was done without getting an easement. The sidewalk easement should be accepted since the City requires the petitioners to widen them. The drainage easement should have been secured before it was built.

Mr. Seabury stated that the Tax Assessor placed the value of the easement at \$900.00. A discussion following as to how this fell through the cracks. Mr. Nolan said that the implementation of the newest modular of the

planning and zoning software would red flag this now, but at the time the full implementation had not take place.

Mr. Barry made a motion to approve the granting of the road widening easement and the drainage easement at a cost of \$900. Seconded by Mr. Visconti. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to approve the road widening and drainage easements at 146 South Street, with a cost of \$900 to be paid by the petitioner approved.

23 – REPORT – Engine Co. 25 Lease

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the lease with Engine Co. 25 met on November 15, 2004 at 8:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, McMahan and Saadi. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Fire Chief Peter Siecienski, Director of Finance Dena Diorio and Council Members Cavo, Nagarsheth, Saracino and Trombetta, ex-officio.

Attorney Gottschalk stated that the new lease provides for a 20-year term, with two five-year options. It provides for rent increases and addresses the Fire Department's need for additional accommodations. The City is prepared to build an addition. The space is 24 x 57 feet. The lease also provides for repairs to the existing septic system, etc. This agreement provides for the use of the new structure and contains the typical language that you would find in a lease of this type.

Chief Siecienski said that this is the best option at this point. A stand-alone building is not going to be built because there are no funds for land acquisition. The lease holds the annual rent payments steady for the next five years. There is \$400,000 put into improvements but the City will get its money's worth over the thirty years. Director of Finance Dena Diorio said the 20-year term is important because of debt service.

Mr. Saadi asked about the anticipated time for the improvements. Chief Siecienski said he hopes it goes out to bid by the end of the year, with a ground breaking in the spring. Mr. Nolan asked if the funds previously bonded for construction are still available? Ms. Diorio said they are and are sufficient.

Mrs. McMahan made a motion to recommend approval of the lease amendments. Seconded by Mr. Saadi. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to approve the Engine Co. 25 lease adopted.

24 – REPORT – Cannondale Drive

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review accepting Cannondale Drive as a City road met on November 8, 2004 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Basso, Barry and Visconti. Also in attendance were Corporation Counsel Robert Yamin, Director of Public Works William Buckley, Council Members McMahan and Teicholz, ex-officio and members of the public.

Mr. Buckley stated that a background on the sub-division was outlined in his report dated September 22, 2004. The field observations included needed drainage as well as a place to get rid of the drainage. Easements are needed as well. There is a retaining wall in the right of way that is in poor condition. You would have to create a cul-de-sac so that school buses could turn around and

there must be a place to put snow. Trees would have to be trimmed to allow for an adequate site distance. If the City wants to accept the road through assessment methodology, it could be done and he would prepare an estimate of the work, move forward with the project, assessing benefits to the property owners.

Mr. Barry asked if it would be fair to say that the easiest way to handle this would be to go assessment methodology and then give the residents a realistic cost and let them make the decision? Mr. Buckley said it could be done that way. There would be a public hearing and the petitioners could tell you if they wanted to go forward. Mr. Buckley stated that it isn't clear to him if the petitioners want to go forward with the improvements themselves.

Mr. Barry made a motion to proceed with the assessment methodology, add it to the list and handle it in the normal manner after assessment. Seconded by Mr. Visconti. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to proceed with the assessment methodology for future acceptance of Cannondale Drive as a City road and add it to the list of the assessment projects to be addressed by the Director of Public Works approved.

25 – REPORT – Duplicate Street Names

Mrs. Basso submitted the following report:

The Common Council Committee appointed to review duplicate street names met twice, first on October 13, 2004 and again on November 8, 2004. In attendance at the October 13th meeting were committee members Basso, Cavo and Saadi, as well as Director of Planning Dennis Elpern, Planning Assistant Joanne Read, Fire Chief Peter Siecienski, Assistant Corporation Counsel Les Pinter, Police Captain Arthur Sullo and Council Members Seabury, Teicholz, Visconti and Calandrino, ex-officio. Present at the November 8th meeting were committee members Basso, Cavo and Saadi, as well as Corporation Counsel Robert Yamin and Council Members Nolan, Barry, Teicholz and Visconti, ex-officio.

At the October 13th meeting Mrs. Basso asked Chief Siecienski for his input. This Chief stated that he might be in the minority as to this being a major problem. The streets on the duplication list have been around for a long time. When they come up, they do not come up with cross street. It may be a personnel problem in that they are not giving the cross streets to responding vehicles. These problems have been visited in the past in concert with the Planning Department. It is always an issue when it comes to changing street names or numbers. Adding north or south to existing names may be a practical solution.

Captain Sullo said that Chief Siecienski has stated exactly what he would say. This issue was addressed five years ago. It is a management decision by the City. Mr. Cavo said he would like to address this issue before it becomes a major problem. It was his intent to simplify the response.

Mr. Elpern submitted an outline of the process involved in changing street names or numbers. He agrees that this is a problem. The issue is that while he would like to say yes the names could be changed, it is a huge time-consuming job. He would be unable to give a date as to when the job could be accomplished. He would try to stay away from adding north or south because it could be a problem and he also tries to stay away from adding extension because it is not always an extension. Mr. Elpern asked if the City could legally change the name of a private road? Attorney Pinter said City roads should be changed first, but the City might have jurisdiction over private roads if there is no other choice to protect life and liberty

At the November 8th meeting, Mr. Saadi said he spoke to Mr. Cavo about this issue and the first step would be to have the Planning Department contact private communities to ask them if they would be willing to change their street names. The primary names would be kept, but the designation changed. The second step would be residential streets. The streets would be identified and Common Council public hearings scheduled. The third step would be streets consisting of residential and businesses.

Mr. Nolan asked while changing the designation, who will do the cross checking to make sure that the name does not already exist? Mr. Cavo said he would hope that the Planning Department would do this. This could take over a year to do. If the City can get the private roads to agree to change, that accomplishes the first step. Mr. Nolan asked if it is the intention of the committee to lay out the game plan, give it to the Common Council to adopt the game plan and then follow the process? Mr. Saadi said that since this is not a standing committee, it is the plan to have a status report submitted to the Common Council from the Planning Department.

Mr. Saadi made a motion to direct the Planning Department to:

1. Contact owners of private roads to request that they change the name of their road. To the extent that they agree, remove that name from the duplicate road names list.
2. Of the remaining roads with duplicate names, identify the roads with private residences only and, of those roads, identify those with the fewest number of residences. Once identified, notify the Common Council, in writing, of each road's current name and the proposed name change so that the Common Council may take action it finds appropriate.
3. To the extent that duplicate road names remain, identify those remaining duplicate names with the fewest number of businesses. Once identified, notify the Common Council in writing of each road's current name and the proposed name change so that the Common Council may schedule a public hearing on the proposed name changes. Seconded by Mr. Cavo. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendations regarding duplicate street names adopted.

26 – REPORT & ORDINANCE – Deferral of Assessment Increases Attributable to Construction or Improvements

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole in the Common Council Chambers immediately following a public hearing on November 22, 2004.

Mrs. Saracino made a motion to recommend approval of the ordinance revision. Seconded by Mr. Cavo.

Mr. Visconti asked if there is anything planned for the downtown that would warrant this change? Administrative Assistant to the Mayor Michael McLachlan stated that there is a development opportunity for the old Danbury Brewster Lumber Company site, as well as for the old Amphenol property. There is also a possibility for land on Keeler Street running to Center Street. Mr. Saadi asked for a definition of the CCBD Zoning District. Mr. McLachlan said it would be from the News Times building on Main Street to St. Peter's and roughly a block in either direction.

Mr. Calandrino asked if this deferral is for new residential development or just for the improvements? Attorney Gottschalk said it was for both new and improvements. Mr. Trombetta asked if a commercial site is razed and residential properties developed, is that good for seven years? Attorney Gottschalk said it is

based on income levels and size. If a commercial site is razed and new residential built, the new improvements are deferred.

Mr. Nolan stated that any deferral is brought before the Common Council and subject to Council scrutiny. Mr. Saadi said he understands the need for tax deferrals, but he hesitates to continue to expand this to residential because taxes do not cover the services to the properties.

Motion carried with Mr. Saadi voting in the negative.

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

THAT Subsection (b) of Section 18-25 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.

(b) Application and eligibility. An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, upon receipt of a report from the Planning Department, the Common Council must find that:

- (1) The applicant proposes to use the construction or improvements to real property (or property subject to air rights):
 - (A) For permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, for office, or manufacturing use, or for warehouse, storage or distribution use or,
 - (B) If the real property is located within the CCBD zoning district, for permanent residential use, for office or manufacturing use, or for warehouse, storage or distribution use or,
 - (C) If the real property is located within the Downtown Redevelopment Area for permanent residential use for property designated blighted pursuant to Sec. 10-81 et. seq. of this Code, for office, manufacturing or retail use, or for warehouse, storage or distribution use.
- (2) The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application;
- (3) The applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided for herein and therein.

Ms. Saracino made a motion to receive the report and adopt the Ordinance. Seconded by Mr. Cavo. Mr. Saadi asked if these taxes run with the land and could any subsequent property owner take over. Attorney Gottschalk said the deferral is available to any subsequent purchaser. Mr. Saadi asked if the deferral is for improvements? Attorney Gottschalk said it is only attributable to improvements.

Mr. Saadi pointed out that expanding this to residential concerns one to two hundred units on which we could potentially not be collecting hundreds of dollars in residential property taxes. We should look at providing relief to those already living in our City and it is not reasonable to give people more incentive to build since Danbury is in the midst of one of the hottest residential building boons in recent times according to the News Times.

Motion carried with Council Members Saadi, Barry and Visconti voting in the negative.

27 – Report & Ordinance – International Association of Firefighter – Members of the Board of Directors

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on November 15, 2004 in the Common Council Chambers.

Mr. Urice made a motion to recommend adoption of the ordinance to the full Common Council. Seconded by Mrs. Stanley. Motion carried with Council Members Joseph Cavo abstaining.

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

THAT Subsection 14-27(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 14-27. Members of the board of directors; duties of president, secretary.

(b) The three (3) employee members of the board of directors shall be elected, hereafter, to the board of directors at a regular meeting of the Danbury Professional Fire Fighters, Local 801, IAFF (the "Union"), to be held on the second Monday of April. Those members of the Fire Department who are not members of the bargaining unit represented by the Union, but are members of the firefighters pension system, shall be notified of all pension meetings and shall be permitted to vote for members of the board of directors. In each odd numbered year, two (2) employee members of the board of directors shall be elected for a two-year term and until their successors have been elected. In each even-numbered year, one (1) employee member of the board of directors shall be elected for a two-year term and until his/her successor has been elected. At all times there shall be three (3) employee members of the fire pension board. Each elected member shall assume office on May 1 of the year of election. Any vacancy in an employee director position shall be filled in the same manner within six (6) days after posting of the vacancy for a period of seven (7) days in all Fire Department stations and Fire Department headquarters.

The report was received on the Consent Calendar and the ordinance modifying the terms of the members of the Board of Directors of the Firefighters Pension Fund approved.

28 – REPORT – Old Farm Road Sanitary Sewer Extension

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on November 15, 2004 in the Common Council Chambers.

Mr. Buckley gave an overview of the project including a history of the private sewer line. Some of the properties are already tied into the City system. Mr. Buckley also explained the results of the survey.

Mr. Cavo asked about the effort it would take to break out Section A, minus the last two lots. Mr. Buckley said it would have minimum impact. Just doing Section A and none of B would have no impact, but doing half of B would cause a problem. Mr. Buckley said that over the years the primary problems have been in Section A. Section B may be back some time in the future because it is not being maintained. Mr. Saadi noted that Section B should not be subjected to the moratorium because the city added it on.

Mr. Saadi made a motion to recommend to the Common Council that the sanitary sewer extension only for Section A go forward. Seconded by Ms. Saracino. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to approve the sanitary sewer extension for the area designated as Section A of the proposed Old Farm Road sanitary sewer extension project approved.

29 – REPORT – Acquisition of Land for Tarrywile Park

Mr. Nagarsheth submitted the following report:

The Common Council Committee appointed to review the acquisition of land for Tarrywile Park met on November 23, 2004 at 5:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nagarsheth, McMahon and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Executive Director of Tarrywile Park Sandra Moy, Chairman of the Tarrywile Park Authority Gerald Daly and Council Members Cavo, Seabury and Teicholz, ex-officio.

Mr. Nagarsheth noted the positive recommendation from the Planning Commission. Mr. Daly stated that there are three parcels in question. Two were purchased with State open space funds and the third was acquired by the City through a tax foreclosure. Bringing these parcels under the Tarrywile Park umbrella would provide basic management by the Park. The total acreage is 85.4. Mr. Daly stated that the proposed Ives Trail would go through these parcels as well.

Mr. Nagarsheth asked about the deed restriction allowing only for passive recreation or open space. Mr. Daly said there is no deed restriction but two of the parcels allow only for passive recreation or open space because of the funds used to purchase the land. He pointed out that the Master Plan states that all properties in the park are to be used for passive recreation.

Mrs. McMahon made a motion to recommend approval of the transfer of land to Tarrywile Park. Seconded by Mr. Visconti. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to approve the transfer of three parcels of land from the City to the Tarrywile Park Authority approved.

30 – REPORT – Request for Sewer and Water Extensions – 62 Chestnut Street

Mr. Saadi submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 62 Chestnut Street met on November 22, 2004 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saadi, Esposito and Stanley. Also in attendance were Director of Public Works William Buckley, Attorney Fran Collins, Paul Scalzo, Dinas Verbickas and Council Members Nolan and Cavo, ex-officio.

Mr. Saadi noted the positive recommendation from the Planning Commission. Mr. Buckley showed the project on a site map. This is a simple extension and he would recommend approval subject to the required eight

steps. He also would have no objection to a ninth step allowing phase-in of the project. Attorney Collins requested that the phase-in be allowed.

Mr. Esposito made a motion to recommend approval of the request for sewer and water extensions subject to the required eight steps, with a ninth step allowing the project to be phased in. Seconded by Mrs. Stanley. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to approve the extension of sewer and water to 62 Chestnut Street, subject to the required eight steps and a ninth step providing for phasing-in the project at the discretion of the Public Works Director approved.

31 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Public Works, Elderly Services, Health & Housing, Welfare & Social Services, Economic Development. Mr. Nolan made a motion to receive the reports and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mr. Nagarsheth. Motion carried unanimously.

The Mayor extended all committees.

There being no further business to come before the Common Council, a motion was made at 8:15 P.M. by Mr. Cavo for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor