

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

RE: Minutes of the Common Council Meeting held January 5, 2005

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, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Nagarsheth, Riley, Seabury, Stanley

ABSENT – Burns, Payton

19 Present – 2 Absent

PUBLIC SPEAKING

Scott Ferguson, 112 South King Street – asked the Common Council to vote to acquire the Immanuel Lutheran School.

Joe DaSilva, 161 Main Street – spoke regarding items 5 and 3.

Gary LaVan, 103 Boulevard Drive – He asked that an ad hoc committee be formed regarding the public notification process regarding sewer extension projects.

Superintendent of Schools Dr. Eddie Davis, Avalon Valley Drive – supports the purchase of Immanuel Lutheran School.

Jerry Leaphart, 8 West Street – supports the purchase of Immanuel Lutheran School

Jim Maloney, 15 Wooster Heights – supports the purchase of Immanuel Lutheran School

James Clap, 105 Boulevard Drive – supports an ad hoc committee regarding the public notification process regarding sewer extension projects.

Steven Kramer, 101 Boulevard Drive – He is in favor of an ad hoc committee regarding item 22.

Rudy Rosario, 104 Eden Drive – he is in favor of purchasing Immanuel Lutheran School.

Ivon Alcime, 2 Midfield Road – supports the purchase of Immanuel Lutheran School.

MINUTES – Minutes of the Common Council Meeting held December 7, 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:

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 Federal Emergency Management Agency, in the amount of \$1,000 for homeless shelter supplies.

2 – 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 Women's Club of Danbury/New Fairfield, in the

amount of \$550 for the purpose of acquiring an overhead projector for the City Department of Elderly Services.

3 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the Federal Aviation Administration in the amount of \$1,039,900 for the Airport Improvement Program and authorize the local match of \$12,999.00 from the 2004-05 Capital Notes.

4 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the Federal Aviation Administration in the amount of \$269,400.00 for the Airport Improvement Program and authorize the local match of \$3,367.00 from the 2004-05 Capital Notes.

6 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute an agreement with the State of Connecticut for the sharing of the cost of installation of Emergency Vehicle Pre-emption System equipment in conjunction with the new traffic signal to be installed at the intersection of Beckerle Street and Clapboard Ridge; and authorize the spending of \$900.00 from LOCIP funds as the City's share of the cost.

7 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to execute an agreement with the State of Connecticut for the sharing of the cost of installation of a new traffic signal at the intersection of Beckerle Street and Clapboard Ridge; and authorize the spending of \$7,000 from LoCIP funds as the City's share of the cost.

8 – Receive the communication and adopt the Resolution authorizing the extension of time for acquiring the easements related to the Jackson Drive Sewer Extension project to July 1, 2005.

9 – Receive the communication and adopt the Resolution approving the change in description of the two stipulated easements related to the Jackson Drive Sewer Extension project, and authorizing the Office of Corporation Counsel to proceed with the acquisition of the easements.

11 – Receive the communication and approve the appointment of Ted Farah as an Alternate Member of the Zoning Commission.

12 – Receive the communication and approve the reappointment of Misti Leonard as a member of the Conservation Commission.

13 – Receive the communication and approve the reappointment of John Gentile as a member of the Commission on Persons with Disabilities.

14 – Receive the communication and approve the reappointment of Paula Mirabile-Baker as a member of the Aviation Commission.

19 – Receive the communication and approve the transfer of funds to the Police Department Special Services Account #2000.5052 in the amount of \$350,000.00.

20 – Receive the communication and approve the transfer of funds to the Fire Department Special Services Account #2010.5052 in the amount of \$10,000.

21 – Receive the communication and appropriate \$41,316.00 to cover design costs for the replacement of the Padanaram Road Bridge subject to certification of available funds by the Director of Finance.

25 – Receive the communication and authorize Mayor Mark D. Boughton to sign the Memorandum of Understanding between the City and the Connecticut Children's Medical Center regarding the Lead Action for Medicaid Primary Prevention (LAMPP) project.

26 – Receive the report and authorize Mayor Mark D. Boughton to apply for grant and loan funds under the State of Connecticut Department of Transportation Local Bridge Program to replace the Crosby Street Bridge.

27 – Receive the report and authorize the conditional assignment of the lease between Jay Earl Associates, LLC and the City of Danbury, for property owned by the City at 62-69 Kenosia Avenue to Union Savings Bank as outlined in the correspondence by Deputy Corporation Counsel.

29 – Receive the report and adopt the committee’s recommendation to authorize the Board of Education to enter into a contract with New England Energy for the proposed Energy Cost Savings Program.

Mr. Saadi made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Urice. Motion carried unanimously.

1 – RESOLUTION – FEMA Funds – Homeless Shelter

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency (FEMA) has made grant funds available for the purpose of acquiring homeless shelter supplies; and

WHEREAS, the City of Danbury wishes to make application to FEMA for a grant of \$1,000 to be used for said purpose; and

WHEREAS, if said application is approved, the City of Danbury wishes to accept said funds.

NOW, THEREFORE, BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for the aforesaid grant and if said application is approved, to accept said funds and execute any agreements or other documents necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the Federal Emergency Management Agency in the amount of \$1,000 for homeless shelter supplies adopted.

2 – RESOLUTION – Department of Elderly Services

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Women’s Club of Danbury/New Fairfield, Inc., acting through its philanthropic committee, makes grant funds available to worthy organizations; and

WHEREAS, the City of Danbury, Department of Elderly Services is seeking grant funds in order to assist it in furthering its mission of enhancing the quality of life among Danbury area senior citizens through a variety of programs; and

WHEREAS, the Department of Elderly Services has specific need for an overhead projector for use in connection with its educational programs and wishes to apply for funds for said purpose; and

WHEREAS, the acceptance of said grant, if approved, will be in the best interests of the City of Danbury and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Mark D. Boughton is hereby authorized to apply for the aforesaid grant and if said application is approved, to accept said funds and execute any agreements or other documents necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the Women's Club of Danbury/New Fairfield in the amount of \$550 for the purpose of acquiring an overhead projector for the City Department of Elderly Services adopted.

3 – RESOLUTION – Airport Improvement Program – Runway 8 Approach

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to apply to the Federal Aviation Administration for grant funding which, if approved, will enable the City to obtain easements for the runway 8 approach in connection with the Airport Improvement Program; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% of the total grant amount, if the City ultimately secures said grant and proceeds to obtain said easements.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes Mayor Mark D. Boughton and Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding to acquire the above mentioned easements; to obtain the appraisals as are necessary to file the grant application; to appropriate the 1.25% of the total grant amount, if the grant is approved; to execute any necessary documents; and to take any additional actions necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the Resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the Federal Aviation Commission in the amount of \$1,039,900 for the Airport Improvement Program and authorize the local match of \$12,999.00 from the 2004-05 Capital Notes adopted.

4 – RESOLUTION – Airport Improvement Program – Design and Construction

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury wishes to apply to the Federal Aviation Administration for grant funding, which if approved, will enable the City to design and install obstruction lights and to design a clear runway 8 approach; and

WHEREAS, pursuant to the Federal Aviation Administration grant application process, 95% of the grant funds will be committed by the Federal Aviation Administration, 3.75% of the grant funds will be committed by the State of Connecticut and the City will be responsible to fund 1.25% of the total grant amount, if the City ultimately secures said grant and proceeds with the above mentioned Airport Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes Mayor Mark D. Boughton and Paul D. Estefan, Airport Administrator, to apply to the Federal Aviation Administration to obtain grant funding to acquire the above mentioned Airport Improvement Program; to obtain the appraisals as are necessary to file the grant application; to hire a consultant to design the above mentioned airport improvement and assist the City during construction; to appropriate the 1.25% of the total grant amount, if the grant is approved; to execute any necessary documents and to take any additional actions necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the Resolution authorizing Mayor Mark D. Boughton to apply for grant funding from the Federal Aviation Administration in the amount of \$269,400 for the Airport Improvement

Program and authorization of the local match of \$12,999 from the 2004-05 Capital Notes adopted.

5 – RESOLUTION – Acquisition of 10.7 Acres of Land on Miry Brook Road

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury pursuant to prior approval granted by the Common Council on April 6, 2004, has applied for grant funding from the Federal Aviation Administration, which if approved will enable the City to acquire 10.7 acres of land on Miry Brook Road (Tax Assessor's lots #E19017, E19024-27, E19031-33, and T. C. 6262) to enhance airport safety; and

WHEREAS, the City of Danbury pursuant to prior approval granted by the Common Council on June 2, 2004 authorized the acquisition of said 10.7 acres of land, either by negotiation or by eminent domain; and

WHEREAS, continued negotiations have made it necessary to extend the time for acquisition of said property pursuant to statute and to revise the City's grant application.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the office of Corporation Counsel, be and hereby is authorized to acquire the 10.7 acres as set forth in Schedule A on or before July 1, 2005, either by eminent domain, through the institution of suit against the interested property owners, their heirs, executors, administrators, successors and assigns and their respective mortgage holders and encumbrancers, if any, and to revise the City's grant application in accordance with the outcome of said negotiations or eminent domain action.

Mr. Nolan made a motion to receive the communication and adopt the resolution. Seconded by Mr. Cavo. Motion carried with Mr. Urice abstaining.

6 – RESOLUTION – Cost Sharing Agreement – Emergency Vehicle Pre-emption

RESOLVED by the Common Council of the City of Danbury:

BE IT HEREBY RESOLVED that Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, Ct. 06810 is hereby duly authorized to execute an Agreement between the State of Connecticut and the City of Danbury for the sharing of the cost of the installation of Emergency Vehicle Pre-emption System equipment at the intersection of Route 39 (Clapboard Ridge Road) at Beckerle Street in the City of Danbury.

The communication was received on the Consent Calendar and the Resolution authorizing Mayor Mark D. Boughton to execute an agreement with the State of Connecticut for the sharing of the cost of installation of Emergency Vehicle Pre-emption System equipment in conjunction with the new traffic signal to be installed at the intersection of Beckerle Street and Clapboard Ridge; and authorization of spending \$900 from LoCIP funds as the City's share of the cost approved.

7 – RESOLUTION – Cost Sharing Agreement – Traffic Control Signalization

RESOLVED by the Common Council of the City of Danbury:

BE IT HEREBY RESOLVED that Mark D. Boughton, Mayor of the City of Danbury, 155 Deer Hill Avenue, Danbury, C. 06810, is hereby duly authorized to execute an Agreement between the State of Connecticut and the City of Danbury for the installation of a traffic control signal at the intersection of Route 39 (Clapboard Ridge Road) at Beckerle Street in the City of Danbury.

The communication was received on the Consent Calendar and the Resolution authorizing Mayor Mark D. Boughton to execute an agreement with the State of Connecticut for the sharing of the cost of installation of a new traffic signal at the

intersection of Beckerle Street and Clapboard Ridge; and the spending of \$7,000 from LoCIP funds as the City's share of the cost authorized.

8 – RESOLUTION – Jackson Drive Sewer Easements

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 Jackson Drive area sanitary sewer; and

WHEREAS, the Common Council previously approved the acquisition of easements in connection with the project; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A, B, C, D, E, F, G, H, I and J 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 and J 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 July 1, 2005.

The communication was received on the Consent Calendar and the resolution authorizing the extension of time for acquiring the easements related to the Jackson Drive Sewer Extension project to July 1, 2005 approved.

9 – RESOLUTION – Jackson Drive Sanitary Sewer Easements

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 Jackson Drive area sanitary sewer; and

WHEREAS, the Common Council previously approved the acquisition of easements in connection with the project; and

WHEREAS, project modifications require revisions to the two (2) easements described herein; and

WHEREAS, the properties to be acquired are described and identified in EXHIBITS A and B 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 of 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 encumbering the properties, if any, by July 1, 2005.

The communication was received on the Consent Calendar and the Resolution approving the change in description of the two stipulated easements related to the Jackson Drive Sewer Extension project adopted and the Office of Corporation Counsel authorized to proceed with the acquisition of the easements.

10 – COMMUNICATION – Promotions to Fire Inspector/Deputy Fire Marshall

Letter from Mayor Mark D. Boughton requesting confirmation of the promotion of Dispatcher Mark E. Perry to the position of Fire Inspector/Deputy Fire Marshall and the promotion of Lieutenant Thomas J. Wiedl, Jr. to the position of Fire Inspector/Deputy Fire Marshall.

Ms. Teicholz made a motion to receive the communication and confirm the promotion of Mark E. Perry. Seconded by Mrs. Basso. Motion carried unanimously. Mr. Seabury made a motion confirm the promotion of Thomas J. Wiedl, Jr. Seconded by Ms. Saracino. Motion carried unanimously.

11 – COMMUNICATION – Recommendation as Alternate Zoning Member

Letter from the Republican Town Committee recommending that Ted Farah, 151 Shelter Rock Road be appointed to fill the alternate position on the Zoning Commission. The appointed was made on the Consent Calendar.

12 – COMMUNICATION – Reappointment to the Conservation Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of Misti Leonard as a member of the Conservation Commission for a term to expire July 1, 2007. The appointment was confirmed on the Consent Calendar.

13 – COMMUNICATION – Reappointment to the Commission on Persons with Disabilities

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of John Gentile to the Commission on Persons with Disabilities for a term to expire March 1, 2007. The reappointment was confirmed on the Consent Calendar.

14 – COMMUNICATION – Reappointment to the Aviation Commission

Letter from Mayor Mark D. Boughton requesting confirmation of the reappointment of Paula Mirabile-Baker to the Aviation Commission for a term to expire July 1, 2007. The reappointment was confirmed on the Consent Calendar.

15 – COMMUNICATION – Connecticut Coalition for Justice in Education Funding

Letter from Mayor Mark D. Boughton requesting that a committee of the whole be appointed to discuss the initiative to force the Legislative to deal with the issue of school funding by scrapping the existing funding mechanism and develop a formula that is based on adequacy.

Mr. Nolan asked that this be referred to a committee of the whole. Mayor Boughton so ordered.

16 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Director Susan Tomanio requesting permission to accept donations in the total amount of \$100. Mr. Steinerd made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Ms. Saracino. Motion carried unanimously.

17 – COMMUNICATION – FY03-04 Comprehensive Annual Financial Report

Mr. Cavo asked that this be referred to an ad hoc committee, the Director of Finance and the Corporation Counsel. Mayor Boughton so ordered and appointed Council Members Urice, Calandrino and Esposito to the committee.

18 – COMMUNICATION – Appointment of Independent Auditors

Mr. Cavo asked that this be referred to an ad hoc committee and the Director of Finance. Mayor Boughton so ordered and appointed Council Members Urice, Calandrino and Esposito to the committee.

19 – COMMUNICATION – Special Services Account – Police Department

Request from Acting Police Chief Mitchell Weston that the sum of \$350,000 be transferred to the Police Special Services account for purposes of meeting salary demands for police private duty services through June 30, 2005. The funds are later returned to the City. The transfer of funds was authorized on the Consent Calendar.

20 – COMMUNICATION – Special Services Account – Fire Department

Request from Fire Chief Peter Siecienski that the sum of \$10,000 be transferred to the Fire Department Special Services Account due to ongoing events. The funds are returned as invoices are paid. The transfer of funds was authorized on the Consent Calendar.

21 – COMMUNICATION – Padanaram Road Bridge

Request from Director of Public Works that the sum of \$41,316.00 be appropriated to cover the City's estimated share of the design costs for the reconstruction of the Padanaram Road Bridge.

The communication was received on the Consent Calendar and the sum of \$41,316.00 appropriated to cover design costs for the replacement of the Padanaram Road Bridge subject to certification of funds by the Director of Finance.

22 – COMMUNICATION – Request for an Ad Hoc Committee – Public Notification Process – Sewer Extension Projects

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

23 – COMMUNICATION – Request for an Ad Hoc Committee – Fines for Illegal Apartments and Cars Parked on Sidewalks

Mr. Saadi asked that this be referred to an ad hoc committee, the Blight Officer, the Zoning Enforcement Officer, the Corporation Counsel, the Police Chief and the Director of the Permit Center. Mayor Boughton so ordered and appointed Council Members Cavo, Basso and Barry to the committee.

24 – COMMUNICATION – Request for an Ad Hoc Committee – Building Use Policy – Senior Center

Mr. Trombetta asked that this be referred to an ad hoc committee, the Superintendent of Public Buildings, the Director of Finance and the Director of Elderly Services. Mayor Boughton so ordered and appointed Council Members Nolan, Saracino and Saadi to the committee.

25 – COMMUNICATION – Memorandum of Understanding between the Connecticut Children's Medical Center and the City of Danbury

The communication was received on the Consent Calendar and Mayor Mark D. Boughton authorized to sign the Memorandum of Understanding between the City and the Connecticut Children's Medical Center regarding the Lead Action for Medicaid Primary Prevention Project.

26 – COMMUNICATION – State DOT Local Bridge Program – Crosby Street Bridge

Request from Director of Public Works William Buckley that the Common Council authorize Mayor Mark D. Boughton to apply for the State DOT Local Bridge Program for the Crosby Street Bridge.

The communication was received on the Consent Calendar and Mayor Mark D. Boughton authorized to apply for grant and loan funds under the State of Connecticut Department of Transportation Local Bridge Program to replace the Crosby Street Bridge.

27 – COMMUNICATION – Lease of City Property at Kenosia and Backus Avenues

The communication was received on the Consent Calendar and conditional assignment of the lease between Jay Earl Associates, LLC and the City of Danbury authorized for property owned by the City at 62-29 Kenosia Avenue to Union Savings Bank as outlined in the correspondence by the Deputy Corporation Counsel.

28 – REPORT – Acquisition and Renovation of Immanuel Lutheran School

Mr. Trombetta submitted the following report:

The Common Council Committee appointed to review the acquisition and renovation of Immanuel Lutheran School met on December 28, 2004 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Trombetta, Saracino and Saadi. Also in attendance were Director of Finance & Personnel Dena Diorio, Corporation Counsel Robert Yamin, Director of Public Works William Buckley and Council Members Nolan and Urice, ex-officio.

Mr. Buckley stated that we have not yet acquired the building and hired Perkins Eastman to assist in the development of this project. They went through the school and had meetings with Head Start to see how we could take the current Head Start program and bring them all together at Immanuel Lutheran School. Mr. Buckley showed a plan of the Head Start proposal prepared on September 9, 2004 and a proposal prepared on June 3, 2004 with options A1 and B1 showing classroom layouts and multi-purpose room layouts.

Ms. Diorio said that when the bond package was put together, \$2,500,000 was added for this acquisition. It will cost \$2,250,000 to purchase the building. This does not leave enough money to complete the renovations. They met with the Head Start people in Boston to seek additional funding and they are also looking for State grants. Several million dollars need to be identified to make this project work. The financing is not established, but Federal grants may be forthcoming. Mr. Buckley stated that the total expense is \$7,500,000.

Ms. Saracino asked, since this is an existing school, can it be used while waiting for financing? Ms. Diorio said that was the intention, but once the architects showed the requirements for Head Start, the scope of the project changed. Mr. Buckley stated that problems occur when grant money is applied for and you must comply with the requirements. Mr. Buckley said the signing of this contract is meant to help the City secure these funds. It shows that we have a code requirement to do what is shown on the plans.

Mr. Saadi stated that there are new questions; he thought this was a turnkey operation. He said he could not, in good conscience, vote on this contract as he just received it this evening and has not had a chance to review it. The closing date is scheduled for June 1, 2005. He asked Attorney Yamin if the committee were to put off the vote until January, would the City's obligation to

purchase be undermined? Attorney Yamin said it would not, but the church is under pressure to get the initial deposit of \$225,000. The closing will not take place for six months.

Attorney Yamin said he received the final responses from their attorney today. The main part of the contract is a standard Fairfield County sales contract. He made 15 or 20 technical changes to the main body to make it more favorable to the City. He added the rider, which is favorable to the City. Attorney Smith made two deletions on the last page of the rider. The City objected and added them back in. The occupancy agreement is the City's language. The only legal issue is releasing the deposit before the closing. Normally he would not advise doing this, but it was a make or break issue with the church.

Mr. Saadi stated that he is not saying Attorney Yamin delayed the contract. He is saying that he just received it for review and the fact that there are deletions and edits that have been done, he would like a chance to read through the contract to see if he has questions. One concern is that the deposit would not be in escrow and would be released.

Mr. Trombetta asked if it would be easy to get the additional money needed? Ms. Diorio said the Federal portion would be, but beyond that there is no guarantee. Mr. Trombetta asked Mr. Buckley if he feels it is important to acquire this building? Mr. Buckley said he does feel it is important because even if the funding fell through, it is a good piece of property.

Mr. Saadi made a motion to continue this meeting at the call of the Chair prior to the February 2005 Common Council Meeting. Motion failed for lack of a second.

Mr. Urice stated that this project is three times larger than we thought it would be and we do not know if the additional five million dollars can be acquired. He asked Attorney Yamin if we acquire this property under the guise of the bond issue and the funding does not come through, do we have the legal right to use this property for something else? Attorney Yamin said we had a good faith intention when we floated the bond issue to utilize this property for this purpose. This would be a question for our bond counsel. Mr. Urice said he would want to see a final contract since this one is scratched up. Without knowing about the funding, we may end up with a piece of property for an unintended use or have to ask the taxpayers for an additional \$5,000,000.

Mr. Trombetta said he does not know if we can ask for Federal assistance if we do not have access to the property. Ms. Diorio said the Federal government is not going to commit money if we do not have site control. The church already has a buyer for the church and could have one for the school. We could have another use for the building.

Mr. Saadi said he still has the same concerns. Based on what he has heard tonight about the June closing, he finds it hard to believe that moving the vote to the February meeting would scuttle the deal. He noted that Attorney Yamin wanted to check with bond counsel. Mr. Saadi made a motion to continue this meeting. Motion failed for lack of a second.

Mr. Nolan stated that he finds the revelation of the additional cost and the sketchy plan for how we are going to acquire the funding, disquieting. Mr. Nolan said that if this comes out of committee, it would behoove representatives of this administration to be a little more direct in posing how this money is going to be acquired. This is not going on the Consent Calendar and will not be easily resolved on January 4th.

Ms. Saracino asked that the charge of the committee be read. Mr. Trombetta stated that the charge of the committee is to review the acquisition and renovations of the Immanuel Lutheran School. Ms. Saracino asked how the

committee could recommend approval of the renovations if we do not have the money to do the renovations?

Ms. Saracino made a motion to recommend approval of the acquisition of the school and approval of the contract as presented. Seconded by Mr. Trombetta. Mr. Saadi reiterated his concerns and will raise them on the floor. Motion carried with Mr. Trombetta and Ms. Saracino voting in the affirmative and Mr. Saadi voting in the negative.

Mr. Trombetta made a motion to receive the report, and approve the contract and the committee's recommendation to acquire the building. Seconded by Mr. Urice.

Mr. Visconti asked about the deposit of \$225,000 not being held in escrow. Attorney Yamin said it was correct that the deposit would not be held in escrow. It will be released after the contract is executed. Mr. Visconti stated that this was the way the Housing Authority got into trouble. Attorney Yamin said it was a negotiating point and this was a compromise. Mr. Visconti asked if the contract is approved would the deposit go directly to Immanuel Lutheran. Attorney Yamin said it would, but we would not give up our claim on the deposit.

Mr. Saadi asked if the normal course is to hold a deposit in escrow? Attorney Yamin replied that it is always negotiable. Mr. Saadi asked if there had been any discussions about the church obtaining a bridge loan? Attorney Yamin said he does not believe so, but a bridge loan is normally gotten by the buyer not the seller. Mr. Saadi asked about a surety bond. Attorney Yamin stated that there had been no discussions about a surety bond, but the church is a good credit risk. Mr. Saadi said no one is questioning the Church's integrity. This is just out the normal course of how the City purchases property.

Mr. Saadi stated that these questions are not a vote against Head Start. He then asked about hazardous materials. Section 17 waives the opportunity to inspect for lead based paint. Is that correct? Attorney Yamin said a number of reviews will be performed, but the church is not making representations as to hazardous materials. Mr. Saadi pointed out that section 14 had been eliminated and "unknown" typed in. Do we know if these substances are there? Attorney Yamin said no. Mr. Saadi asked if this would add to the cost? Mr. Buckley said dollars for asbestos and lead paint are contained in the estimate.

Mr. Saadi asked if the church will occupy the building after the closing and will be it used as a school? Attorney Yamin said they could occupy it for whatever purpose they choose. Attorney Gottschalk said that for the most part the building would be used as storage until they can move into their new facility.

Mr. Barry asked if there are accommodations for a gymnasium? Mr. Buckley said there is a gym there no and a requirement to have one. Mr. Barry asked if the enhancements would encroach on the playground. Mr. Buckley said it would enhance the playground.

Mr. Maloney stated that at the end of each fiscal year the Federal government looks at unexpended funds and redistributes them for capital projects. This is a large capital project and will be the most substantial one here. He said that he could not you tonight that they money is guaranteed. He believes that the State would support the three million dollars for renovations rather than pay for a new school.

Mr. Urice stated that he had some concerns because of the uncertain funding, but he is now comfortable that the City's exposure is nominal. This will serve as a model across the country.

Motion carried unanimously.

29 – REPORT – Board of Education Cost Savings Program

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review a Board of Education Energy Cost Savings Program met on December 28, 2004 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Saracino and Riley. Also in attendance were Director of Finance & Personnel Dena Diorio, Superintendent of Public Buildings Richard Palanzo, Corporation Counsel Robert Yamin, School Board Finance Director Elio Longo and Kathy Clark and Scott Hinson from New England Energy.

Ms. Saracino asked the representatives of New England Energy for an overview of the program. Ms. Clark said that the program was started in June. It used to be for distressed cities at 100% financing and has now been opened up to the rest of the State. Connecticut Light & Power will pay 75% for cost effective programs. Towns will pay 25%. It is done by bid pricing. Lighting is changed from 455 watts to 245 watts. It is a basic program. The technology is good for 20,000 hours and there is no maintenance cost.

Mr. Riley said the 0% financing is a win-win situation. He asked why Danbury High School is at .083 and Stadley Rough is 1.09. Ms. Clark said that the larger building is cheaper. Kilowatt-hours determine what you will pay. Rates will go up because of the CL&P rate increase. Ms. Saracino said that Danbury did retrofitting some time ago. Mr. Palanzo said the last one was 100% funded by CL&P. All classrooms were done and a similar program was done at City Hall. They are now looking for smaller projects. Mr. Longo said that the total cost is \$280,000. Our cost will be between \$68,000 and \$69,000. He favors financing at 0% over a twelve-month period, which could have a positive cash flow. Mr. Riley asked about the timeframe. Ms. Clark said the project would be completed by the end of January or mid-February.

Mr. Riley made a motion to recommend approval of the energy cost savings program as presented and authorize the Board of Education to enter into the appropriate contracts. Seconded by Ms. Saracino. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to authorize the Board of Education to enter into a contract with New England Energy for the proposed Energy Cost Savings Program adopted.

30 – DEPARTMENT REPORTS – Police Chief, Fire Chief, Fire Marshall, Public Works, Permit Center, Building Department, Health and Housing, Elderly Services, Welfare, Economic Development.

Mr. Barry noted the passing of two long serving polices officers – Nelson Neves and Elston Dodge.

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. Cavo. Motion carried unanimously.

Mayor Boughton extended all committees.

Mayor Boughton appointed to following Education Budget committee:

Mary Saracino, Chairman, Vincent Nolan, Robert Riley, Colleen Stanley and Fred Visconti.

There being no further business to come before the Common Council a motion was made at 9:05 P.M. by Mr. Nolan for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor