

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

RE: Minutes of the Common Council Meeting held February 1, 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, Payton, Riley, Seabury, Stanley

ABSENT – Burns

20 PRESENT – 1 ABSENT

PUBLIC SPEAKING

John Early, 7 Caraway Drive – Spoke on Item 16 and urged the Council to accept Caraway Drive as a City road.

MINUTES – Minutes of the Common Council Meeting held January 4, 2005. Mr. Nolan made a motion to approve the minutes as presented and waive the reading as all members have copies, which are on file in the clerk's office for public inspection. Seconded by Mrs. Basso. Motion carried unanimously.

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

2 – Receive the communication and adopt the Resolution authorizing Mayor Mark D. Boughton to apply for and execute the necessary documents to receive grant funding from the State of Connecticut Department of Environmental Protection Recreational Trails grant program in the amount of \$26,500.00 for construction of the Ives Trail in Danbury.

5 – Receive the communication and approve the reappointment of Kevin W. Placella and Rev. Ruben Bush as members of the Fair Rent Commission.

10 – Receive the communication and approve the updated list of approved banks for Municipal Deposits as listed in the correspondence dated January 26, 2005, from the Director of Finance & Personnel.

11 – Receive the communication and authorize the transfer of \$95,000.00 to the Snow Removal Budget line items as outlined in the correspondence dated January 20, 2005 from the Director of Finance & Personnel; \$60,000.00 coming from additional revenue received under the State of Connecticut Town Road Aid Program and \$35,000.00 from Contingency.

12 – Receive the communication and authorize the sale of surplus vehicles and equipment as outlined in the correspondence dated January 26, 2005 from the Purchasing Director.

17 – Receive the report and adopt the committee recommendations to accept the Fiscal Year 03-04 Comprehensive Financial Report and take no further action; and to approve the reappointment of McGladney & Pullen as the City's external independent auditors.

18 – Receive the report and adopt the committee recommendation to authorize the Mayor to execute the affordable housing contract with the petitioner.

21 – Receive the communication and authorize Mayor Mark D. Boughton to execute the consent memorandum allowing tax liens assigned to American Tax Funding, LLC, to be pledged as collateral with their lender The Harris Nesbitt Corporation.

Ms. Saracino made a motion to adopt the Consent Calendar as presented. Seconded by Mr. Cavo. Motion carried unanimously.

1 – ORDINANCE – Engineering Land Use Review Fees

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

2 – RESOLUTION – Recreational Trails Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is directing an effort to create a multi-municipal Greenway, known as the Ives Trail, that would connect Tarrywile Park, Wooster Mountain State Park, and open space areas in the Towns of Bethel and Ridgefield; and

WHEREAS, the Mayor has appointed the “Ives Trail Task Force” to direct the effort toward creating the Ives Trail; and

WHEREAS, the Ives Trail Task Force has identified a Greenway corridor through southern Danbury, northeast Ridgefield and northwest Bethel and a trail that would be dedicated to Danbury’s native composer Charles Ives; and

WHEREAS, the creation of the Ives Trail Greenway requires funding for trail surfacing, educational signs, audio display boards of the music of Charles Ives, and habitat mitigation measures to allow hikers to pass over sensitive environmental areas; and

WHEREAS, the Connecticut Department of Environmental Protection is soliciting proposals from municipalities for development of passive recreation trails by its February 15, 2005 deadline.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Danbury authorizes the application for up to \$26,500.00 of funding to the Connecticut Department of Environmental Protection’s Recreational Trails Grant Program and authorizes the Mayor to enter into a contract with the State of Connecticut for the use and administration of these funds, if awarded.

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 State of Connecticut Department of Environmental Protection Recreational Trails grant program in the amount of \$26,500.00 for construction of the Ives Trail in Danbury adopted.

3 – COMMUNICATION – Promotions within the Police Department – WITHDRAWN

4 – COMMUNICATION – Appointment as Director of Recreation

Letter from Mayor Boughton requesting confirmation of the appointment of Craig R. Renda to the position of Director of Recreation. Mr. Nagarsheth made a motion to confirm the appointment of Craig R. Renda to the position of Director of Recreation. Seconded by Mr. Steinerd. Motion carried unanimously.

5 – COMMUNICATION – Appointments to the Fair Rent Commission

Letter from Mayor Boughton requesting confirmation of the appointment of Kevin W. Placella to the Fair Rent Commission for a term to expire July 1, 2007 and the reappointment of Rev. Ruben Bush for a term to expire July 1, 2007. The appointments were confirmed on the Consent Calendar.

6 – COMMUNICATION – Donation for the Blind Brook Playground

Letter from Barbara Braguez, President of the Blind Brook Neighborhood Association donating the sum of \$5,000 made possible through a grant from the Union Savings Bank Foundation for playground equipment. Mr. Steinerd made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Urice. Motion carried unanimously.

7 – COMMUNICATION – Donations to the Library

Letter from Library Director Betsy McDonough requesting permission to accept donations in the total amount of \$135.00. Ms. Diggs made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

8 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan Tomanio requesting permission to accept donations in the amount of \$50.00 and an additional donation in the amount of \$1,000 from Mr. & Mrs. James Ogle. Mrs. McMahon 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.

9 – COMMUNICATION – Request for Funds, Justice in Education Funding

Request from Director of Finance & Personnel Dena Diorio that the sum of \$15,000 be appropriated for the membership fee for joining the Coalition for Justice in Education Funding.

Mr. Urice made a motion to receive the communication and authorize the transfer of funds in the amount of \$15,000 to be used for the membership fee for joining the Coalition for Justice in Education Funding. Seconded by Mrs. Stanley. Motion carried unanimously.

10 – COMMUNICATION – Accepted Banks for Municipal Deposits

Request from Director of Finance & Personnel Dena Diorio that Newtown Savings Bank and Banknorth N.A. be added as qualified financial institutions. A name change for Fleet Bank, which is now Bank of America, was requested, as well as the elimination of Banker's Trust.

The communication was received on the Consent Calendar and the updated list of approved banks for Municipal Deposits as listed in the correspondence dated January 26, 2005 approved.

11 – COMMUNICATION – Snow Removal Budget

Request from the Director of Finance & Personnel certifying the availability of \$95,000 to be transferred to various line items as outlined regarding the snow removal budget.

The communication was received on the Consent Calendar and the transfer of \$95,000 authorized to the snow removal budget line items outlined in the correspondence dated January 20, 2005; \$60,000 coming from additional revenue received under the State of Connecticut Town Road Aid Program and \$35,000 from the Contingency Account authorized.

12 – COMMUNICATION – Disposal of Surplus Vehicles & Equipment

Request from Purchasing Agent Charles Volpe for permission to sell surplus vehicles and equipment to the highest bidders.

The communication was received on the Consent Calendar and the sale of surplus vehicles and equipment as outlined in the correspondence dated January 26, 2005 from the Purchasing Agent authorized.

13 – COMMUNICATION – Request for Sewer and Water Extensions – Stable Drive

Mr. Cavo asked that this be referred to the Planning Commission for a report back within thirty days. Mayor Boughton so ordered.

14 – COMMUNICATION – Request for the City to assume operation of the Aqua Vista Water System

Mr. Seabury 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 Seabury, Riley and Visconti to the committee.

15 – COMMUNICATION – Request for a Right-of-Way on Lattins Cove

Mr. Riley 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, Seabury and Barry to the committee.

16 – COMMUNICATION – Reports regarding Caraway Drive

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

17 – REPORT – FY03-04 Comprehensive Annual Financial Report and Appointment of Independent Auditors

Mr. Urice submitted the following report:

The Common Council Committee appointed to review the FY03-04 Comprehensive Annual Financial Report and the Appointment of Independent Auditors met on January 12, 2005 at 2:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Urice, Calandrino and Esposito. Also in attendance were Director of Finance Dena Diorio, Deputy Corporation Counsel Eric Gottschalk, Scott Bassett from McGladney & Pullen and School Board Director of Finance Elio Longo.

Mr. Urice asked Mr. Bassett for an overview of the audit report. Mr. Bassett stated that an audit includes examining evidence supporting the amounts and disclosures in the financial statements. The audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. He stated that in his opinion based on their audit and the reports of other auditors, the financial statements present fairly the respective financial position of the governmental activities, the business activities, the component units, each major fund and the remaining fund information as of June 30, 2004. He also stated that the changes in financial position and cash flows and the budgetary comparison for the general fund ended in conformity with accounting principles generally accepted in the United States.

He stated that the basic financial statements comprise three components: government-wide financial statements; fund financial statements and notes to the financial statements. He went over the revenues, expenses, enterprise funds and fund balance with the committee. The fund balance is strong, the collection rate is satisfactory and pensions funded which makes the City strong when it goes out to the bond market.

Mr. Urice asked Mr. Bassett if he considers the City to be in good financial condition? Mr. Bassett said that he does. Mr. Urice asked if, during the course of the audit, was anything out the ordinary found? Mr. Bassett stated that the City recorded a prior period adjustment to restate prior year entity wide governmental statements for capital assets that had been recorded in error.

Mr. Calandrino asked if there have been improvements in internal controls? Mr. Bassett said there have been at the Board of Education. Mr. Calandrino asked about sewer and water reserves. Ms. Diorio said there have been some issues and rates were raised. We have the assets, but not the cash flow; there are still some cash flow difficulties. Mr. Urice asked if the unrestricted assets are reasonably liquid? Ms. Diorio said there is cash, but most of that was for bond proceeds designated for sewer and water assessment projects. They are encumbered and restricted for future use.

Mr. Calandrino made a motion to recommend acceptance of the FY03-04 Comprehensive Annual Financial Report submitted by McGladney & Pullen as complete and that no further action be taken. Seconded by Mr. Esposito. Motion carried unanimously.

Regarding the second charge of the committee, Mr. Urice asked Mr. Bassett, to the best of his knowledge, is his firm under any malfeasance for accounting practices? Mr. Bassett said no. Mr. Urice asked if there were any other reason to prevent the firm from preparing audits? Mr. Bassett said no. Mr. Urice asked Ms. Diorio if she saw any reason for the firm not to be reappointed? Ms. Diorio said no. She would like to see them reappointed.

Mr. Calandrino made a motion to recommend the approval of the reappointment of McGladney & Pullen as provided in the previous contract. Seconded by Mr. Esposito. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendations to accept the Fiscal Year 03-04 Comprehensive Financial Report and take no further action; and to approve the reappointment of McGladney & Pullen as the City's external independent auditors approved.

18 – REPORT – Affordable Housing Contract

Mr. Seabury submitted the following report:

The Common Council Committee appointed to review an Affordable Housing Contract met on January 24, 2005 at 7:00 in the Third Floor Caucus Room in City Hall. In attendance were committee members Seabury and Saadi. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Attorney Steven Olivo, the petitioner, Joseph DaSilva, Jihad Sabbagh and Council Members Cavo and Teicholz, ex-officio.

Mr. Seabury asked Attorney Gottschalk for an overview of the contract. Attorney Gottschalk said that State law provides an opportunity for developers to increase the density of a development provided they reserve a set number of units for affordable housing. This contract meets the criteria established in the statute. Under Ordinance Section 10-64 it is implemented by the Health and Housing Department.

Mr. Saadi noted that the Planning Commission approved this project in June 2004. Mr. Seabury asked how many units in the project. Mr. DaSilva said there are seventeen, three of which are classified as affordable. The price will be \$265,000. The remaining units are selling at \$325,000. He used the HUD standards for median income, which is \$96,500 for a family of four. Thirty percent of this income can be used for housing expenses. The units are three bedrooms, 1,650 square feet with a two-car garage.

Mr. Saadi made a motion to recommend that the Common Council authorize the Mayor to execute the affordable housing contract. Seconded by Mr. Seabury. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to authorize the Mayor to execute the affordable housing contract approved.

19 – COMMUNICATION – Pending Claims, Landfill Closure

Mr. Nolan made a motion to move this item to the end of the agenda for executive session. Seconded by Ms. Saracino. Motion carried unanimously.

20 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Public Works, Health & Housing, Welfare and Social Services, Permit Center, Building Department, Elderly Services

Mr. Nolan made a motion to receive the department reports and waive the reading as all members have copies and are on file in the clerk's office for public inspection. Seconded by Ms. Saracino. Motion carried unanimously.

21 – COMMUNICATION – Tax Lien Assignments – Consent to Security Interest

The communication was received on the Consent Calendar and Mayor Mark D. Boughton authorized to execute the consent memorandum allowing tax liens assigned to American Tax Funding LLC to be pledged as collateral with their lender The Harris Nesbitt Corporation.

22 – Fire Department Special Services Account

Mr. Nolan made a motion to add this item to the agenda. Seconded by Ms. Saracino. Motion carried unanimously.

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

Mrs. Basso made a motion to receive the communication and authorize the transfer of \$10,000 to the Fire Department Special Services Account. Seconded by Mr. Visconti. Motion carried unanimously.

At 8:15 P.M. Mr. Nolan made a motion to enter into executive session. Seconded by Mrs. Basso. Motion carried unanimously.

In attendance at the Executive Session were members of the Common Council as well as Mayor Boughton, Director of Finance Dena Diorio, City Attorneys Yamin, Gottschalk, Pinter and Casagrande and Director of Public Works William Buckley.

At 9:05 P.M. the Common Council reconvened in open session.

19 – Mr. Nolan made a motion to authorize the sum of \$100,00 be transferred into the Corporation Counsel's litigation account as outlined in executive session. Seconded by Ms. Saracino. Motion carried unanimously.

Mayor Boughton extended all committees.

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

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor