

TO: Mayor Mark Boughton and Members of the Common Council

RE: Minutes of the Common Council Meeting held March 1, 2005

Mayor Boughton called the meeting to order at 7:30 P.M.

The Pledge of Allegiance and Prayer were recited.

The members were recorded as:

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

ABSENT – Burns, Calandrino, Payton and Stanley

17 PRESENT –4 ABSENT

Ms. Burns was working, Mr. Calandrino and Mrs. Stanley were on vacation and Ms. Payton was ill

PUBLIC SPEAKING

Steve Krammer, 101 Boulevard Drive – spoke on item 31 and the Boulevard Drive Sewer Project

James Clap, 105 Boulevard Drive – spoke against the notification process and the underage drinking ordinance

David Kaplan, 69 Kenosia Avenue – regarding item 32, asked that his assessment deferral request be granted.

Anthony DePoto, 2 Diana Drive – Spoke against the underage drinking ordinance

Gary Levan, 103 Boulevard Drive – spoke against the notification process and will pursue stopping the sewer project on Boulevard Drive

Colin Farmer, 204 Larsen Drive – spoke against the underage drinking ordinance

James Sweeney, 47 Olympic Drive – spoke against the underage drinking ordinance.

Nadia Sweeney, 45 Boyce Road – spoke against the underage drinking ordinance

MINUTES – Minutes of the Common Council Meeting held February 1, 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 Ms. Saracino. Motion carried unanimously.

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

1 – Receive the communication and approve the resolution to allow the Danbury Youth Services to apply for and receive grant funding from the State of Connecticut not to exceed \$80,000.

2 – Receive the communication and approve the resolution setting the tax levy for the Downtown Special Services District.

3 – Receive the communication and approve the request to acquire the drainage easements at 18-20 Padanaram Road.

- 4 – Receive the communication and approve the request for an extension of time to acquire certain properties associated with the East Ditch, the Parking Garage/Library Place and Main Street North.
- 6 – Receive the communication and approve the appointment of Natalie L. Farrar and Helen L. Miller as regular members and Arlene N. Strucky as an alternate member of the Commission on Aging with terms to expire on October 1, 2007.
- 7 – Receive the communication and approve the appointments of Julie A. Schmitter and Elisa Munoz as regular members of the Youth Commission with terms to expire June 1, 2007.
- 8 – Receive the communication and approve the appointment of Mara B. Frankel as an alternate member of the Planning Commission with a term to expire on January 1, 2008.
- 13 – Receive the communication and approve the appointment of the Government Entities Review Committee composed of Council Members Basso, McMahan and Barry and public members Alan T. Boyce and Mark S. Chory.
- 15 – Receive the communication and approve the request that Timothy Sibbitt be released from the lease of the Candlewood Park concession stand.
- 17 – Receive the communication and approve the request to transfer funds in the amount of \$9,000 from the recreation/salaries line item and \$29,000 from the Recreation/Overtime to the Park Maintenance Account.
- 18 – Receive the communication and approve the request to transfer \$55,000 from the Professional Insurance and Official Bond Premium, Public Liability to the Professional Services account.
- 19 – Receive the communication and approve the transfer of \$75,000 from the contingency account to Overtime Snow Removal Budget.
- 20 – Receive the communication and approve the transfer of \$22,000 from the contingency account to the Leased Equipment (snow removal) Account.
- 21 – Receive the communication and approve the transfer of \$18,000 from Civil Preparedness, Salaries to the Maintain Public Buildings account.
- 22 – Receive the communication and approve the appointment of Drubner, Hartley & O'Connor LLC as special counsel.
- 27 – Receive the report and approve the recommendation to adopt the land use application procession fees; subdivisions, engineering and fire marshal review ordinance.
- 29 – Receive the report and approve the recommendations concerning the extension of water and sewer lines to Cornell Hills and Jeanette Heights.
- 30 – Receive the report and approve the recommendation to take no action at this time.
- 31 – Receive the report and approve the recommendation to take no action at this time.
- 32 – Receive the report and approve the recommendation to deny the application for assessment deferral at 62-29 Kenosia Avenue.
- 34 – Receive the communication and approve the appointment of Jean T. DaSilva to the Richter Park Authority with a term to expire September 1, 2007.

Ms. Saracino made a motion that the consent calendar be adopted as read. Seconded by Mr. Cavo. Motion carried unanimously.

1 – RESOLUTION – Danbury Youth Services

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, grant funds in an amount not to exceed eighty thousand dollars (\$80,000.00) are available from the State of Connecticut Department of Education for 2005-06 Youth Services Bureau operations; and

WHEREAS, continuation of the Youth Services Bureau for the twenty-eighth year is deemed to be in the best interest of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED THAT the actions of Mark D. Boughton as Mayor of the City of Danbury, in applying for these funds be and hereby are ratified and that Mayor Boughton be and hereby is authorized and directed to contract with the State of Connecticut Department of Education for a state cost sharing grant not to exceed \$80,000.00 for a Youth Service Bureau for the fiscal period commencing July 1, 2005.

BE IT FURTHER RESOLVED THAT the Mayor is authorized to execute any and all documents, applications or other pertinent instruments to this program.

The communication was received on the Consent Calendar and the resolution to allow Danbury Youth Services to apply for and receive grant funding from the State of Connecticut not to exceed \$80,000 approved.

2 – RESOLUTION – Downtown Special Services District

RESOLVED by the Common Council of the City of Danbury:

A RESOLUTION LEVYING THE PROPERTY TAX FOR THE DANBURY DOWNTOWN SPECIAL SERVICES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006

SECTION 1. The sum of One Hundred Thirty Eight Thousand, Three Hundred Fifty Dollars (\$138,350.00) representing the gross appropriation for the City of Danbury Downtown Special Services District of One Hundred Thirty Eight Thousand, Three Hundred Fifty Dollars (\$138,350.00) for the fiscal year beginning July 1, 2005 and ending June 30, 2006, minus indirect revenues of \$-0-, and minus estimated available "Surplus" of \$-0-, is hereby levied and assessed on all taxable interests in real property located within the City of Danbury Downtown Special Services District as set forth on the new tax assessment dated October 1, 2004 based upon a total net assessment of \$75,309,140.00.

SECTION 2. Accordingly, the General Fund tax rate for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with respect to said property interests within said District shall be as follows:

TAX RATE: 1.8371 MILLS

SECTION 3. The taxes levied and assessed as herein provided shall be due and payable in quarterly equal installments on July 1, 2005, October 1, 2005, January 1, 2006 and April 1, 2006 except for taxes not in excess of One Hundred Dollars (\$100.00) which taxes shall be paid on July 1, 2005, in accordance with the General Statutes of the State of Connecticut, unless said date shall have lapsed before the effective date of this resolution in which case the Tax Collector shall fix the date as if said date had not been fixed herein as provided by law.

SECTION 4. The Tax Collector shall cause the said taxes above levied and assessed to be inserted on the tax rolls for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

The communication was received on the consent calendar and the resolution setting the tax levy for the Downtown Special Services District adopted.

3 – RESOLUTION – 18-20 Padanaram Road – Drainage Easement

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury seeks to formally accept a drainage easement relative to an existing storm drain from Ezra Road/Juniper Ridge Road area to the Padanaram Brook; and

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

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the owner of said property upon the amount, if any, to be paid for the interest 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 September 1, 2005, the property interest as set forth in the attached legal description either by negotiation or by eminent domain through the institution of suit against the named property owner, his heirs, executors, successors and assigns and his respective mortgage holders and encumbrances, if any.

The communication was received on the consent calendar and the resolution to acquire drainage easements at 18-20 Padanaram Road approved.

4 – RESOLUTIONS – Acquisition of Properties: East Ditch, Parking Garage/Library Place and Main Street North

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision2 bond package is proceeding through plans and designs, to make necessary improvements to the East Ditch Storm Sewer; and

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

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

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

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

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

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury, pursuant to authorization through the Vision2 bond package is proceeding through plans and designs, to construct a downtown parking garage; and

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

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

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

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

RESOLVED by the Common Council of the City of Danbury:

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

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

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

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

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

The communication was received on the Consent Calendar and the resolutions regarding the request for an extension of time to acquire certain properties associated with East Ditch, the Parking Garage/Library Place and Main Street North approved.

5 – Promotions within the Danbury Police Department

Letter from Mayor Mark D. Boughton requesting the confirmation of the appointment of Detective Sergeant Edward Lopes to the rank of Lieutenant and the confirmation of the promotion of Sergeant Brian Merrick to the rank of Lieutenant within the Danbury Police Department.

Mrs. McMahon made a motion to receive the communication and confirm the promotion of Edward Lopes to the rank of Lieutenant. Seconded by Mr. Visconti. Motion carried unanimously.

Mr. Urice made a motion to confirm the promotion of Brian Merrick to the rank of Lieutenant within the Danbury Police Department. Seconded by Mr. Barry. Motion carried unanimously.

6 – COMMUNICATION – Appointments to the Commission on Aging

Letter from Mayor Boughton requesting confirmation of the appointments of Natalie L. Farrar and Helen L. Miller as members of the Commission on Aging for terms to expire October 1, 2007 and the confirmation of the appointment of Arlene N. Strucky as an alternate member of the Commission on Aging for a term to expire October 1, 2007. The appointments were confirmed on the Consent Calendar.

7 – COMMUNICATION – Appointments to the Youth Commission

Letter from Mayor Boughton requesting the confirmation of Julie A. Schmitter and Elisa Munoz as members of the Youth Commission for terms to expire June 1, 2007. The appointments were confirmed on the Consent Calendar.

8 – COMMUNICATION – Appointment to the Planning Commission

Letter from Mayor Mark Boughton requesting confirmation of Mara B. Frankel as an alternate member of the Planning Commission for a term to expire January 1, 2008. The appointment was confirmed on the Consent Calendar.

9 – COMMUNICATION – Donation to the Police Department

Letter from Acting Chief Mitchell Weston requesting permission to accept a donation of \$1,000 from Wal-Mart's Community Matching Grant Program for use in funding the Danbury Police Department's Citizen Police Academy and Child Passenger Safety Seat Program.

Mr. Seabury 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.

10 – COMMUNICATION – Donation of a Sculpture to the City

Letter from Dr. Jagat Patel donating a sculpture that he purchased at the Tsunami Relief Fundraiser.

Mr. Nagarsheth made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

11 – COMMUNICATION – Donation to the Fire Department

Letter from Arthur N. Tedesco of Danbury Health Systems donating a Huski Emergency Pipe Squeeze Tool valued at approximately \$2,700 to help the Fire Department to respond rapidly and effectively to steel piping leaks.

Mr. Steinerd made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Urice. Motion carried unanimously.

12 – COMMUNICATION – Donations to the Fire Department

Letter from Fire Chief Peter Siecienski requesting permission to accept a two-year lease on a 2005 Honda Odyssey from Fair Honda of Danbury.

Mr. Seabury made a motion to receive the communication, accept the donation and send a letter of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

13 – COMMUNICATION – Appointment of Government Entities Review Committee

Letter from Mayor Boughton requesting confirmation of the appointments of Council Members Basso, McMahon and Barry and public members Alan Boyce and Mark Chory to the Government Entities Review committee. The appointments were confirmed on the Consent Calendar.

14 – COMMUNICATION – Request for Committee – Purchase of YMCA Building

Letter from Council Member Fred Visconti requesting that an ad hoc committee be appointed to investigate the possibility of purchasing the YMCA Building. Mr. Cavo asked that this be referred to the Director of Parks and Recreation and the Youth Commission for reports back within thirty days. Mayor Boughton so ordered.

15 – COMMUNICATION – Candlewood Lake Concession Lease

Letter from Assistant Corporation Counsel Laszlo Pinter requesting that Timothy Sibbitt be allowed to terminate his five-year lease for the use of the concession stand at Candlewood Park due to a serious illness in his family.

The communication was received on the Consent Calendar and the lease terminated.

16 – COMMUNICATION – Request for Sewer Extension – 20 Deer Hill Avenue

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

17 – COMMUNICATION – Funds for Park Maintenance Overtime Account

The communication was received on the Consent Calendar and the request to transfer funds in the amount of \$9,000 from the recreation/salaries line item and \$29,000 from the Recreation/Overtime to the Park Maintenance Account authorized.

18 – COMMUNICATION – Funds for Labor Relations Account

The communication was received on the Consent Calendar and the request to transfer funds in the amount of \$55,000 from the Professional Insurance and Official Bond Premium, Public Liability to the Professional Services account authorized.

19 – COMMUNICATION – Snow Removal Budget – Overtime Account

The communication was received on the Consent Calendar and the request to transfer funds in the amount of \$75,000 from the contingency account to Overtime Snow Removal Budget authorized.

20 – COMMUNICATION – Snow Removal Budget – Leased Equipment

The communication was received on the Consent Calendar and the request to transfer funds in the amount of \$22,000 from the contingency account to the Leased Equipment (snow removal) account authorized.

21 – COMMUNICATION – Funds for Public Buildings

The communication was received on the Consent Calendar and the request to transfer funds in the amount of \$18,000 from Civil Preparedness, Salaries to the Maintain Public Buildings Account authorized.

22 – COMMUNICATION – Insurance Consultants – Class Action

Letter from Mayor Boughton recommending the appointment of Drubner, Hartley & O' Connor as Special Counsel regarding a national class action suit brought against some of the nation's largest insurance brokers as a result of alleged abuses committed by these companies to the detriment of consumers like the City of Danbury.

The communication was received on the Consent Calendar and the appointment of Drubner, Hartley & O'Connor as special counsel approved.

23 – COMMUNICATION – Request for Assessment Deferral – 30 Crosby Street

Mrs. McMahon asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Tax Assessor, and the Director of Economic Development. Mayor Boughton so ordered and appointed Council Members Saracino, Nagarsheth and Visconti to the committee.

24 – COMMUNICATION – Request for Assessment Deferral – 1 Kennedy Avenue

Mrs. McMahon asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Finance, the Tax Assessor and the Director of Economic Development. Mayor Boughton so ordered and appointed Council Members Saracino, Nagarsheth and Visconti to the committee.

25 – COMMUNICATION – Petition for City sewer and petition for Sidewalks on Southern Boulevard and Ryders Lane

Mr. Steinerd asked that this be referred to the Fifth Ward Council Members and the Director of Public Works for a neighborhood meeting. Mayor Boughton so ordered.

26 – COMMUNICATION – Conveyance of Private Property for Access, 57-59 Bear Mountain Road.

Mr. Seabury asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works, the Zoning Enforcement Officer and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Steinerd, Basso and Esposito to the committee.

27 – REPORT & ORDINANCE – Land use application processing fees; subdivisions; engineering and fire marshal review.

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on February 17, 2005.

Mr. Cavo made a motion to recommend adoption of the ordinance. Seconded by Mr. Riley.

Mr. Buckley said this generates fees from resubmittals of reviews. Mr. Cavo asked how many single-family homes are charged the \$300 fee? Mr. Hearty said this does not apply to single-family homes.

Mr. Urice offered the following amendment, "after the word "plans, add except for plans relating to improvements to single family dwellings." Seconded by Mr. Barry. Mr. Cavo asked if this would force two and three family homes to pay? Mr. Nolan asked how we make sure that the little guy does not get hurt? Ms. Saracino said they do not come before the land use boards. Attorney Pinter said the amendment is looking to save a case that may come along.

The amendment failed with Mr. Urice voting yes. The original motion passed unanimously.

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

THAT subsection 11-2(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 11-2. Land use application processing fees; subdivisions; engineering and fire marshal review.

(b)Engineering fees. In addition to the general processing fees established in connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the Engineering Division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three percent (3%) of the estimated cost of construction, but shall not exceed one thousand dollars (\$1,000.00) nor be less than fifty dollars (\$50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars (\$300.00) for each and every review of revised or modified plans submitted by the applicant to the City and reviewed by the Engineering Division of the Department of Public Works.

The report was received on the Consent Calendar and the ordinance adopted.

28 – REPORT & ORDINANCE – Underage Drinking Ordinance

Mr. Seabury submitted the following report:

The Common Council Committee appointed to review an underage drinking ordinance met twice, first on January 10, 2005 at 7:00 P.M. and again on February 10, 2005. In attendance at the January 10th meeting were committee members Seabury, Stanley and Barry. Also in attendance were Acting Police Chief Mitch Weston, Deputy Corporation Counsel Eric Gottschalk and Council Members Nolan, Saracino, Cavo, McMahon, Teicholz, Saadi and Urice, ex-officio. In attendance at the February 10, 2005 meeting were committee members Seabury, Stanley and Barry. Also in attendance were Acting Police Chief Mitchell Weston, Deputy Corporation Counsel Eric Gottschalk, Council Members Cavo, Diggs, Saracino, Teicholz and Urice, ex-officio, Danbury High School Principal Catherine Richard and students.

At the January 10th meeting Mr. Seabury stated that the charge of the meeting was to review the need for an underage drinking ordinance. He stated that Danbury High School Principal Catherine Richard had gone to a conference on this issue approached him. She had given him some towns and their ordinances that had been established in the past year.

Attorney Gottschalk handed out a draft of a proposed ordinance. All provisions in the ordinance include a definition section, a findings and intent section as well as two prohibitive acts, one regarding persons under the age of twenty-one and the other regarding people holding events. His proposed ordinance also contains a section on penalty. He included \$90 in his draft because if the penalty is \$90 or less it is categorized as an infraction and it fits nicely in the statutory scheme. If you go beyond \$90 it takes on the quality of a civil case and his office would have to pursue it.

Attorney Gottschalk stated that State law allows you to do whatever you want to with respect to your own children. It is against State law to serve alcohol to a minor in a public establishment. State law allows any minor to drink alcohol in the presence of a parent. Mr. Saadi said that State law is silent as to whether delivery of alcohol is legal when a parent is present. This is why the group "Connecticut Coalition to Stop Underage Drinking" is pushing for local ordinances.

Mrs. Stanley said that kids bring liquor to parties and the parents are unaware of it. Would this ordinance help in that instance? Attorney Gottschalk said this ordinance addresses the hosting of an event where alcohol is served and under this proposed ordinance the host is responsible.

Mr. Urice stated that there are a lot of holes in this ordinance. Section (c) (1) states that "no person under the age of twenty-one shall possess any container of alcoholic liquor within the City of Danbury." If his son is home alone and there is beer in the refrigerator, this would make it an illegal act. If he allows his son to have a beer, this ordinance takes away his parental rights. This ordinance ignores parental rights.

Mr. Barry stated that he felt the committee should reconvene at a later time and invite the principal who brought this forward and he made a motion to continue the meeting at the call of the Chair. Seconded by Mrs. Stanley and passed unanimously.

The February 10, 2005 meeting convened at 7:05 P.M. Mr. Seabury asked Attorney Gottschalk to restate the intent of the ordinance, which he did. Mr. Seabury then asked Danbury High School Principal Catherine Richard for her views. Mrs. Richards stated that she feels strongly about an ordinance on underage drinking. It is perfectly fine for her to serve alcohol to her own children, but she has no right to serve alcohol to anyone else's children. If this ordinance causes one conversation at the dinner table, or saves one life, it is worth it.

Mr. Urice reiterated that he finds this ordinance very intrusive into parental authority. The intent has merit but this goes so far beyond it that it becomes an intrusion on practical authority.

After further questions and comments from committee members and ex-officio members, Mr. Barry made a motion to recommend the adoption of the ordinance as presented. Seconded by Mr. Seabury. Motion carried with Mr. Seabury and Mr. Barry voting yes and Mrs. Stanley voting no.

Mr. Seabury made a motion to receive the report and defer the ordinance to public hearing. Seconded by Mr. Riley

Mr. Saadi offered an amendment to the language in the ordinance. Seconded by Mr. Barry.

Mr. Seabury requested that if Mr. Saadi would withdraw his amendment and Mr. Barry his second, he would request that this ordinance be recommitted to the original committee. Mr. Saadi withdrew his amendment and Mr. Barry withdrew his second.

Mr. Seabury made a motion that this ordinance be recommitted to the original committee. Seconded by Mr. Saadi. Motion carried unanimously.

29 – REPORT – Preliminary Sewer and Water Assessments – Cornell Hills and Jeanette Heights

Mr. Nolan submitted the following report:

The Common Council met as a committee of the whole immediately following a public hearing on February 17, 2005 in the Common Council Chambers.

Mr. Nolan asked Mr. Buckley to review the process and to try to address any concerns raised in the public hearing. Mr. Buckley reviewed the projects and stated that there are preliminary estimates. He used the figure of \$250 per linear foot based on the formula in Chapters 16 and 21 of the Code of Ordinances.

Mr. Buckley also addressed questions raised by Council Members regarding blasting damage, outstanding health orders and the complexity of the projects.

Mr. Cavo made a motion to remove the noted nine homes from the Cornell Hills project and authorize the sewer project to proceed. Seconded by Mr. Urice. Motion carried with Ms. Burns abstaining.

Ms. Saracino made a motion to authorize the Engineering Department to proceed with the Cornell Hills Water Project. Seconded by Mrs. Basso. Motion carried with Mr. Urice and Mr. Nolan voting in the negative.

Ms. Saracino made a motion not to proceed with the Jeanette Heights Sewer Project. Seconded by Mrs. Basso. Motion carried unanimously.

Mr. Cavo made a motion not to proceed with the Jeanette Heights Water Project. Seconded by Mr. Urice. Motion carried unanimously.

The report was received on the Consent Calendar and the recommendations concerning the extension of water and sewer lines to Cornell Hills and Jeanette Heights approved.

30 – REPORT – Review of Public Buildings Use Policy

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the public buildings use policy met on February 8, 2005 at 7:30 P.M. In attendance were committee members Nolan, Saracino and Saadi. Also in attendance were Director of Finance Dena Diorio, Superintendent of Public Buildings Richard Palanzo, Director of Elderly Services Susan Tomanio and Council Members Calandrino, Cavo and Teicholz, ex-officio.

Mr. Nolan stated that this committee was formed in response to a letter from Ms. Saracino regarding feedback on the implementation of policies regarding the Senior Center. Ms. Saracino stated that she had a concern about the intent of the ordinance. It was her understanding that the City was looking to raise revenue by renting the Senior Center for events. She did not believe it was meant to prevent use by pre-existing groups who are residents but not part of the Senior Center program.

Ms. Tomanio stated that when she took over there were a number of groups using the old jail. New groups have approached her requesting the use of Elmwood Hall. Ms. Saracino stated that it was her understanding that the rental policy did not include these groups, just people who wanted to use the hall for events.

Mr. Nolan said that one of the issues identified was that of liability. There is a lack of clarity as to what constitutes use of the building by those who are there to enjoy the Senior Center. Ms. Tomanio said there was a men's bridge club. These groups are not part of the senior center programs. These groups are there after program hours when there is not staff present. Ms. Diorio said groups outside normal programming are outside the policy. People were being let into the building on Saturdays. There are liability and security issues.

Mr. Saadi stated that the intent of the ordinance was very clear. All groups were required to go through the application process. Exemptions were carved out and there was no contemplation that people would be allowed to use the facilities without going through the process, especially after hours. Mr. Palanzo said that he was unaware that other groups were allowed to use the facility, but there have been no problems. These are small groups of seniors who do not collect dues. They have no income and cannot afford to pay a custodian. Mr. Palanzo does not have enough money in his budget to put on a custodian.

Mr. Saadi said the main concerns are security and liability issues. Certain groups could be exempt from having to pay a fee, but this doesn't address the liability issue and having no one to monitor the facility.

Mr. Nolan said the ordinance is good public policy with some implementation wrinkles. We want to make sure that we are not causing the community pain.

After further discussion about liability and security issues, Mr. Saadi made a motion to take no action. Seconded by Ms. Saracino. Motion carried unanimously.

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

31 – REPORT – Notification Process Regarding Sewer Extension Projects

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the notification process for sewer extension projects met at 8:25 P.M. on February 8, 2005 in Conference Room 3C. In attendance were committee members Nolan, Cavo and Visconti. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Council Members Saadi, Saracino, Steinerd and Urice, ex-officio as well as residents of Boulevard Drive.

Mr. Nolan asked Mr. Buckley to address this process. Mr. Buckley outlined how the City comes to the process of expanding our sewer system. Requests come from residents in the form of petitions to the Common Council. The Common Council can recommend that staff evaluate the request, report back, or conduct a mail survey. The policy has been established that if the Council felt it was in favor of moving a project to a mail survey, a preliminary assessment of cost using the formula in Chapter Sixteen of the Code of Ordinances was completed and mailed out to homeowners informing them of their share. He takes the results of the mail survey and forwards it to the Common Council for a public hearing. He comes up with an information sheet within sixty days. The information sheet was approved with a modification of the time limit rule. If a neighborhood applies for sewers and the surveys comes back negative results, that neighborhood cannot reapply for five years.

At the public hearing the Common Council hears comments and then meets as a committee of the whole that reports back to the Common Council at its next regular meeting. He then begins the design process if the project is authorized to go forward. He eventually comes to the Common Council for needed easements.

Mr. Visconti asked if this new system has been more efficient? Mr. Buckley said he has no complaints and wants to give the system a chance to catch up. Mr. Nolan stated that the process change was designed to reduce the time line from the initial application to the final estimates because has gotten so elongated in the process that there were residents other than those that had been surveyed. The time between a petition getting to the Common Council and the mail survey to the residents could be as much as six years. The goal was to take the number of assessments and reduce it to zero.

Mr. Cavo made a motion to take no action on the sanitary sewer ordinance. Seconded by Mr. Visconti.

At this point Mr. Urice asked that the residents of Boulevard Drive be given an opportunity to speak to the process on their particular project. Mr. Nolan said he would allow this and several residents spoke to the issue of a pump station be built on the property of Mr. Levan. Several residents expressed their concerns that this decision was made without the knowledge or input of the

residents. Other methods of installing the sewers were discussed and Mr. Buckley stated that he feels the pump station is the correct solution.

Motion carried unanimously.

The report was received on the Consent Calendar and no action taken.

32 – REPORT – Assessment Deferral at 62-29 Kenosia Avenue

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the request for assessment deferral at 62-29 Kenosia Avenue met on February 8, 2005 and again on February 23, 2005 in the Third Floor Caucus Room in City Hall. In attendance at the February 8th meeting were committee members Cavo, Calandrino and Saadi. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Finance Dena Diorio, Director of Planning Dennis Elpern, Tax Assessor Colleen Velez, the petitioner David Kaplan and Council Members Nolan and Saracino, ex-officio. In attendance at the February 23rd meeting were committee members Cavo, Calandrino and Saadi, as well as the petitioner, David Kaplan.

The building is on the corner of Backus Avenue and Kenosia Avenue. During a two-year process Mr. Kaplan converted an old warehouse into a mixed-use office building. Ms. Velez said the entire building site is 40,000 square feet. Office space occupies 22,000 square feet and the remaining footage is used for recreation. She has a list of the construction costs but would need more detail to determine where allocations would be made. Mr. Saadi stated that the value of the office space is at issue as opposed to the recreation space.

Mr. Cavo stated that the original request was denied. Mr. Elpern said he thought Mr. Kaplan was including the recreational aspects, but he was not. Mr. Elpern said he does meet the criteria of 18-25. Ms. Diorio said the intent of these deferrals was to encourage people to do projects that would not necessarily be done. The application should have to show what the economic development is. She stated she is not sure that someone who buys a building and renovates it qualifies. This is shifting the burden to the taxpayers.

Mr. Saadi asked Attorney Pinter how many large applications have been reviewed? Attorney Pinter said he has reviewed between six and eight. Mr. Saadi asked if the applications were received before or during construction? Attorney Pinter said the applications were received prior to construction. One case was a long-standing matter with the understanding that the deferrals would be there. The ordinance does not expressly state that you have to create new employment. The intent is to encourage new construction and new development, not to offset the cost of existing properties.

Mr. Saadi made a motion to continue the meeting at the call of the chair to gather new information. Seconded by Mr. Calandrino. Motion carried unanimously.

At the February 23, 2005 meeting, Mr. Saadi said his main concern was the intent of the ordinance. First, the preamble speaks to economic development and the Common Council passed it with the intent to spur new economic development. Section 18-25(d)(4) states, "that such construction or improvements shall be completed by a date fixed in such assessment deferral agreement...in no event shall such extension of time exceed a period of one year."

Mr. Saadi stated that he spoke to Corporation Counsel who confirmed that prior agreements were approved prior to construction of the granted deferral. The one exception was the ice rink, but that was before the implementation of the ordinance.

Mr. Saadi made a motion to deny the application. Seconded by Mr. Calandrino. Mr. Kaplan said he read the ordinance and its intent is very clear. It is to encourage business in Danbury. The deferral would be beneficial to his tenants. Mr. Cavo said that the committee had given this a great deal of thought. We have to follow the intent of the ordinance.

Motion carried unanimously.

The report was received on the Consent Calendar and the recommendation to deny the application for assessment deferral at 62-69 Kenosia Avenue approved.

33 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshal, Health & Housing, Public Works, Elderly Services

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

34 – COMMUNICATION – Letter from Mayor Boughton requesting confirmation of the appointment of Jean T. DaSilva to the Richter Park Authority for a term to expire September 1, 2007.

The communication was received on the Consent Calendar and the appointment confirmed.

35 – COMMUNICATION – Snow Removal Budget – Various Accounts

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

Request from the Director of Finance & Personnel that the sum of \$149,963 be transferred from the Contingency Account to various line items for snow removal.

Ms. Saracino made a motion to receive the communication and authorize the transfer of funds as outlined. Seconded by Mrs. Basso. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made at 8:55 P.M. by Mr. Barry for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor