

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

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

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

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

ABSENT – McMahon, Burns, Barry, Payton

17 PRESENT – 4 ABSENT

Mrs. McMahon and Mr. Barry were out of state and Ms. Burns had an emergency

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – Spoke regarding item 42. The request for front yard parking is disturbing. Don't set a precedent.

Sharon Dornfield, 70 North Street – Spoke regarding item 48. Approve any expenditures on behalf of the YMCA.

Nancy West, 19 Purcell Drive – Spoke regarding item 48. Spoke in support of saving the YMCA.

Dean Esposito, 63 Wildman Street – Spoke regarding item 49. Deny the recommendation of the committee report to grant the request. There is no justification for the tax assessment deferrals.

Maureen Eckridge, 25 Town Hill Avenue – Spoke regarding item 48. Supports saving the YMCA.

Diane Knapp Wayne, Padanaram Avenue – Spoke regarding item 48. Supports saving the YMCA.

At this point Mayor Boughton delivered his budget address.

MINUTES – Minutes of the Common Council Meeting held March 1, 2005. Mr. Nolan made a motion to adopt the minutes as presented and waive the reading as all members have copies. Seconded by Ms. Saracino. Motion carried unanimously.

CONSENT CALENDAR – Mrs. Basso presented the following items for the consent calendar:

9 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut Office of Public Records Administrator in an amount up to \$12,000 for Historic Document Preservation.

10 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut Department of Transportation in the amount of \$7,695 for Memorial Day and Fourth of July DUI Enforcement Programs.

11 – Receive the communication and adopt the resolution authorizing the extension of time to October 1, 2005 for acquisition of certain properties related to the Hawthorne Terrace Water System.

12 – Receive the communication and adopt the resolution authorizing the extension of time to October 1, 2005 for acquisition of certain properties related to the Senior Center/Phase II Project.

13 – Receive the communication and adopt the resolution authorizing the Corporation Counsel to take such action as necessary to acquire necessary easements for the purpose of acquiring title to Irving Place.

14 – Receive the communication and adopt the resolution appointing Angelo Rodriguez as a replacement for Anthony Paivo on the various school building project committees.

15 – 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 U. S. Department of Justice, Justice Assistance Grant Program, in the amount of \$28,070 to be used by the Danbury Police Department to purchase various items to enhance law enforcement within the City of Danbury.

16 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut in the amount of \$30,000 under the State Local Capital Improvement Program for the purpose of City Hall Drainage Repairs.

17 – Receive the communication and adopt the resolution authorizing the Corporation Counsel to take the necessary steps to acquire the easements referenced in Exhibits A and B, related to the Jackson Drive Sanitary Sewer Project.

18 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to enter into a memorandum of understanding with the State of Connecticut Department of Public Safety to receive Homeland Security Funds in the amount of \$243,436 and to take any additional action that may be necessary.

27 – Receive the communication and authorize the transfer of \$15,000 in the Fire Department Special Services Account #2010.5052 per the Fire Chief's request.

28 – Receive the communication and authorize the transfer of \$4,542 to the Animal Control Fund for the purpose of replacing the heating unit at the dog pound per the Finance Director's certification as outlined in agenda item 34.

30 – Receive the communication and approve the suspense list as proposed by the Tax Collector in the amount of \$345,649.45 for the years 1993 through 2003.

31 – Receive the communication and approve the transfer of \$168,000 to the various accounts outlined in the Finance Director's memorandum for the purpose of snow removal.

32 – Receive the communication and approve the transfer of \$13,200 from the Insurance and Official Bond Premium/Public Liability line item 8008.5810 to the various Airport line items referenced in the Finance Director's memorandum for the purpose of snow removal and additional heating costs.

33 – Receive the communication and approve the transfer of \$2,000 from the Insurance and Official Bond Premium/Professional Service line item 8008.5311 to line item 5000.5030 Welfare Department/Overtime.

34 – Receive the communication and take no additional action as the transfer of funds is authorized in agenda item 28.

38 – Receive the communication and authorize Mayor Mark D. Boughton to execute the force account agreement with Metro-North Railroad for work related to the East Ditch drainage project.

40 – Receive the communication and refer to the Fifth Ward Council Members and the Director of Public Works for a neighborhood meeting as previously directed.

46 – Receive the communication and take no action at this time as the concerns of the petitioner have already been addressed.

48 – Receive the report and take no action at this time.

50 – Receive the report and adopt the committee recommendation.

51 – Receive the report and adopt the committee recommendation.

Ms. Saracino asked that the Consent Calendar be adopted as read. Seconded by Mr. Cavo. Mr. Nolan stated that items 13 and 17 would require Planning Commission reports and item 16 has three resolutions for a total amount of \$507,848. Motion carried unanimously.

1 – ORDINANCE & RESOLUTION – An Ordinance Making Appropriations for the Fiscal Year Beginning July 1, 2005 and Ending June 30, 2006 and a Resolution Levying the Property Tax for the Fiscal Year beginning July 1, 2005 and ending June 30, 2006.

Mr. Nolan asked that this be deferred to public hearing and the appropriate budget committees. Mayor Boughton so ordered.

2 – ORDINANCE – An Ordinance Appropriating \$500,000 for Public Improvements in the 2005-2006 Capital Budget and Authorizing the Issuance of \$500,000 Bonds and Bond Anticipation Notes of the City to meet said Appropriations.

Mrs. Basso asked that this be deferred to public hearing. Mayor Boughton so ordered.

3 – ORDINANCE – An Ordinance Making Appropriations Aggregating \$9,980,000 for various Public Improvements and Authorizing the Issuance of \$9,980,000 of the City to Meet Said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for such Purpose.

Ms. Saracino asked that this be deferred to public hearing. Mayor Boughton so ordered.

4 – ORDINANCE – An Ordinance Making Appropriations Aggregating \$998,000 for Sewer System Improvements and Authorizing the Issuance of \$998,000 Bonds of the City to meet said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for such Purpose.

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

5 – ORDINANCE – An Ordinance Making Appropriations Aggregating \$998,000 for Water System Improvements and Authorizing the Issuance of \$998,000 Bonds of the City to meet said Appropriations and Pending the Issuance thereof the Making of Temporary Borrowings for such Purpose.

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

6 – ORDINANCE – Sewer Use Rates

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

7 – ORDINANCE – Water Use Rates

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

8 – RESOLUTION – Question to be submitted to voters at referendum changing the use of North Main Street Property

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

9 – RESOLUTION – Historic Document Preservation Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Public Records Administrator, who will make grant funds available to municipalities through an Historic Documents Preservation Grant; and

WHEREAS, the State of Connecticut Office of Public Records Administrator will award these funds to the City of Danbury Town Clerk's office for use in Historic Document Preservation; and

WHEREAS, the City of Danbury is eligible to receive funds up to \$12,000.00 and

WHEREAS, no local cash match is required.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, as Mayor of the City of Danbury or the Town Clerk or his designee is hereby authorized to sign any documents necessary to effectuate the purposes of said grant application and receipt of such grant.

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 State of Connecticut Office of Public Records Administrator in an amount up to \$12,000 for Historic Document Preservation approved.

10 – RESOLUTION – DUI Enforcement Vehicle Grant 2005

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety, has made a grant available in the amount of \$5,771.25 for the 2005 Memorial Day/Fourth of July Driving Under the Influence Enforcement Program; and

WHEREAS, a local cash match of \$1,923.75 is required in order to reach the total cost of the program, which is \$7,695.00.

NOW, THEREFORE BE IT RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to apply for said grant and to accept grant funds if approved, and Mayor Mark D. Boughton is authorized to sign all contracts necessary to effectuate the purposes of said grant. Any prior acts of the Mayor in applying for such grant funds are hereby ratified.

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 State of Connecticut Department of Transportation in the amount of \$7,695.00 for the Memorial Day and Fourth of July DUI Enforcement Programs adopted.

11 – RESOLUTION – Acquisition of Property – Hawthorn Terrace Water System

RESOLVED by the Common Council of the City of Danbury:

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

WHEREAS, the City of Danbury Engineering Department is nearing completion of the design of improvements; and,

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

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

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

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

The communication was received on the Consent Calendar and the resolution authorizing the extension of time to October 1, 2005 for acquisition of certain properties related to the Hawthorn Terrace Water Systems adopted.

12 – RESOLUTION – Acquisition of Property – Senior Center/Phase II

RESOLVED by the Common Council of the City of Danbury:

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

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

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

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

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

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

The communication was received on the Consent Calendar and the resolution authorizing the extension of time to October 1, 2005 for acquisition of certain properties related to the Senior Center/Phase II Project approved.

13 – RESOLUTION – Irving Place Acceptance

WHEREAS, the City of Danbury seeks to accept Irving Place as a city street; and

WHEREAS, as part of the acceptance of Irving Place, the City of Danbury seeks to acquire title to the road right of way, sewer and water lines and all necessary easements; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire on or prior to October 1, 2005 property interests as set forth in the attached legal descriptions either by negotiations or by eminent domain through the institution of suit against the named property owners, their heirs, executors, successors and assigns and their respective mortgage holders and encumbrances, if any.

The communication was received on the Consent Calendar and the resolution authorizing the Corporation Counsel to take such action necessary to acquire the necessary easements for the purpose of acquiring title to Irving Place adopted.

14 – RESOLUTION – School Building Committees – Various School Projects

WHEREAS, Danbury Board of Education Building Committees were established by the Common Council on December 2, 2004 to address construction of the Magnet School and the New Elementary School, Rogers Park Middle School additions and renovations, Broadview Middle School additions and renovations and the Immanuel Lutheran School upgrades as well as selective renovation and upgrades at other schools (21st Century Danbury Bond Issue School Improvement Projects); and

WHEREAS, personnel changes have made changes to the composition of said committees necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Angelo Rodriguez is hereby appointed as the School Department staff representative on said Committee, replacing Anthony Paivo who retired on March 31, 20005.

The communication was received on the Consent Calendar and the resolution appointing Angelo Rodriguez as a replacement for Anthony Paivo on the various school building project committees approved.

15 – RESOLUTION – Edward Byrne Memorial Justice Assistance Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Justice, Justice Assistance Grant Program (JAG) under the Fiscal Year 2005 Local Solicitation (Edward Byrne Memorial) has advised the City of Danbury of its eligibility to apply to JAG for a direct award of \$28,070.00 under this program with no local cash match required; and

WHEREAS, the funding under this new program will be used by the Danbury Police Department to purchase various items of equipment to enhance effective law enforcement within the City of Danbury; and

WHEREAS, the grant period will run for four (4) years from the date of the initial payment received.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply for and accept such grant award and the Mayor is authorized to sign any contracts/documents in connection therewith and do all things necessary to effectuate the purposes of said grant.

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 U. S. Department of Justice, Justice Assistance Grant Program, in the amount of \$28,070 to be used by the Danbury Police Department to purchase various items to enhance law enforcement within the City of Danbury was approved.

16 – RESOLUTIONS – LOCIP 2004-2005 Application

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(a)(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$30,000.00 to cover the cost of City Hall Drainage Repairs; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission in February 2005; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$30,000 for City Hall Drainage Repairs, to execute any contracts or agreements in connection therewith, to accept payments and to do any and all things necessary to effectuate the purposes thereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(a)(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$408,848.00 to cover the cost of Streetscape Improvements; and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission in February 2005; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$408,848.00 for Streetscape Improvements, to execute any contracts or agreements in connection therewith to accept payments and to do any and all things necessary to effectuate the purposes hereof.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is eligible to make application for State grant funds through the Office of Policy and Management under the Local Capital Improvement Program (LoCIP) for local programs within the meaning of Section 7-536(a)(4) of the General Statutes of the State of Connecticut; and

WHEREAS, the City of Danbury desires to make application for a State grant in the amount of \$69,000.00 to cover the cost of Repairing City Sidewalks, and

WHEREAS, said project is consistent with the City of Danbury's capital improvement program authorized for a five year period by the Danbury Planning Commission in February 2005; and

WHEREAS, the City will maintain detailed accounting records of said project and make them available to the Office of Policy and Management of the State of Connecticut upon request; and

WHEREAS, the Common Council hereby approves said project and its financing;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application to the State of Connecticut under its Local Capital Improvement Program (LoCIP) in the amount of \$69,000 for Repairing City Sidewalks, to execute any contracts or agreements in connection therewith to accept payments and to do any and all things necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolutions authorizing Mayor Mark D. Boughton to apply for and to execute the necessary documents to receive grant funding from the State of Connecticut in the amount of \$507,848 under the State Local Capital Improvement Program for the purpose of City Hall Drainage Repairs, Streetscape Improvements and Sidewalk Repairs approved.

17 – RESOLUTION – Jackson Drive Area Sanitary Sewer

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury is proceeding through plans and specifications to make necessary improvements to the Jackson Drive area sanitary sewer design; 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 on EXHIBITS A and B attached hereto, in accordance with procedures established by State law, either by negotiation or eminent domain through the institution of suit against the interested property owners and holders of mortgages encumbering the properties, if any, by October 1, 2005.

The communication was received on the Consent Calendar and the resolution authorizing the Corporation Counsel to take the necessary steps to acquire the easements referenced in Exhibits A and B, related to the Jackson Drive Sanitary Sewer Project approved.

18 – RESOLUTION – Homeland Security Grant

BE IT RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the U. S. Department of Homeland Security, Office of Domestic Preparedness, has awarded a \$24.1 million dollar State Homeland Security Grant to the State of Connecticut for the fiscal year 2005; and

WHEREAS, the Department of Public Safety, Division of Homeland Security of the State of Connecticut has been designated as the State Administrative Agency authorized to contract with the City of Danbury for a local share of said grant; and

WHEREAS, grant funds in the amount of two hundred forty-three thousand four hundred and thirty-six dollars (\$243,436.00) are available to the City of Danbury under the aforesaid grant program for the purpose of equipment, training, planning and exercise needs of our local emergency first responders; and

WHEREAS, acceptance of the foregoing grant is in the best interests of the residents of the City of Danbury.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Mark D. Boughton be and hereby is authorized to enter into a Memorandum of Understanding between the State of Connecticut, Department of Public Safety and the City of Danbury with respect to the acceptance of said funds, to designate the State Administrative Agency to administer said allocation on behalf of the City and to take any additional action that may be necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to enter into a memorandum of understanding with the State of Connecticut Department of Public Safety to receive Homeland Security Funds in the amount of \$243,436 and to take any additional action that may be necessary approved.

19 – COMMUNICATION – Appointment of Police Chief

Letter from Mayor Boughton requesting confirmation of the appointment of Alan D. Baker to the position of Chief of Police. Mr. Trombetta made a motion to receive the communication and confirm the appointment of Alan D. Baker as Chief of Police. Seconded by Mr. Urice. Motion carried unanimously.

20 – COMMUNICATION – Appointment of Superintendent of Public Utilities

Letter from Mayor Boughton requesting confirmation of the promotion of David Day to the position of Superintendent of Public Utilities. Mr. Nagarsheth made a motion to receive the communication and confirm the appointment. Seconded by Ms. Saracino. Motion carried unanimously.

21 – COMMUNICATION – Appointment as Police Officer

Letter from Mayor Boughton requesting confirmation of the appointment of Frederick Dirga as a police officer. Mr. Urice made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

22 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$16.50 from the Women’s Club of Danbury-New Fairfield. 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. Cavo. Motion carried unanimously.

23 – COMMUNICATION – Donations from LaMar Advertising

Letter from the Director of Economic Development James Bellano requesting permission to accept two donations from LaMar Advertising Company. The first is the use of one of LaMar’s billboards for the City to publicize events, etc. The second is the offer to maintain Elmwood Park to include clean-up and general landscaping on an ongoing basis.

Ms. Stanley made a motion to receive the communication, accept the donations and send a letter of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

24 – COMMUNICATION – Donations to the Department of Elderly Services

Letter from Director of Elderly Services Susan M. Tomanio requesting permission to accept donations in the amount of \$25 from The Gardens and \$25 from Hancock Hall. Mr. Steinerd made a motion to receive the communication, accept the donations, credit the appropriate line items and send letters of thanks. Seconded by Mr. Nolan. Motion carried unanimously.

25 – COMMUNICATION – Donations to the Department of Welfare

Letter from Director of Welfare & Social Services Debbie MacKenzie requesting permission to accept donations in the amount of \$25 from Robert & Nancy Meyer and \$100 from Rosalind Kopfstein & WCSU students on behalf of the Emergency Shelter. Ms. Diggs made a motion to receive the communication, accept the donations, credit the appropriate line item and send letters of thanks. Seconded by Mrs. Basso. Motion carried unanimously.

26 – COMMUNICATION – Donation to the School-Based Health Center

Letter from Melanie Bonjour, Clinic Coordinator, asking permission to accept a donation in the amount of \$250 by the Broadview Middle School Parent Teacher Organization for the School-Based Health Center. Mr. Calandrino made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Mr. Cavo. Motion carried unanimously.

27 – COMMUNICATION – Fire Department Special Services Account

Request from Fire Chief Peter Siecienski that the sum of \$15,000 be transferred into the Special Services Account due to ongoing events. The communication was received on the Consent Calendar and the transfer of \$15,000 authorized.

28 COMMUNICATION – Request for Transfer of Funds – Police Department

Request from Acting Police Chief Mitchell Weston that the sum of \$4,542 be transferred to cover the cost of replacing the heating unit at the Pound’s facility. The communication was received on the Consent Calendar and the transfer of \$4,542 authorized to the Animal Control Fund.

29 – COMMUNICATION – Funding for Casino Impact Study

Letter from Mayor Boughton requesting the sum of \$1,000 to be paid to The Connecticut Alliance Against Casino Expansion for Danbury's share of a casino impact study. Mr. Nolan made a motion to receive the communication and authorize the transfer of funds in the amount of \$1,000 pending certification of funds by the Director of Finance. Seconded by Mr. Urice. Motion carried unanimously.

30 – COMMUNICATION – Suspense List

Letter from Tax Collector Catherine Skurat recommending that the sum of \$345,649.45 be transferred to the Suspense List as she considers these taxes uncollectible. The communication was received on the Consent Calendar and the suspense list as proposed by the Tax Collector in the amount of \$345,649.45 for the years 1993 through 2003 approved.

31 – COMMUNICATION – Appropriation to Various Public Works Accounts

Request from the Director of Public Works that the sum of \$168,000 be appropriated due to the significant number of storms. A certification of funds was attached. The communication was received on the Consent Calendar and the transfer of funds in the amount of \$168,000 to the various accounts for snow removal authorized.

32 – COMMUNICATION – Funds for the Airport

Request from the Airport Administrator that the sum of \$13,200 be appropriated for the Airport Overtime Budget (\$5,000); the Airport Heating Fuel Budget (\$5,000) and the Airport Salaries Budget (\$3,200.00). A certification of funds was attached. The communication was received on the Consent Calendar and the transfer of \$13,200 from the Insurance and Official Bond Premium/Public Liability line item to the above line items approved.

33 – COMMUNICATION – Funds for the Welfare Department

Request from the Director of Welfare and Social Services Director that the sum of \$2,000 be transferred to her overtime line item. A certification of funds was attached. The communication was received on the Consent Calendar and the transfer of \$2,000 from the Insurance and Official Bond Premium/Professional Service Line item authorized.

34 – COMMUNICATION – Appropriation to the Animal Control Fund

The communication was received on the Consent Calendar and no additional action taken as the transfer of funds is authorized in agenda item 28.

35 – COMMUNICATION – Candlewood Concession Stand Lease

Ms. Teicholz asked that this be referred to an ad hoc committee, the Director of Parks and Recreation, the Corporation Counsel and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Basso, Trombetta and Saadi to the committee.

36 – COMMUNICATION – Parking Agreement with Danbury Hospital

Parking Agreement between the City of Danbury and Danbury Hospital for the use of the parking lot at the PAL facility located at 35 Hayestown Road. The use is due to a construction project. The hospital will use 175 spaces of the 250 spaces for a period of 12 to 15 months. The hospital will pay \$17.50 per month per space.

Ms. Saracino made a motion to receive the communication and approve the parking agreement with Danbury Hospital. Seconded by Mr. Nagarsheth. Motion carried unanimously.

37 – COMMUNICATION – Affordable Housing Application Contract at 29 Town Hill Avenue

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

38 – COMMUNICATION – East Ditch Storm Drain – Force Account Agreement

Railroad Force Account Agreement for the Railroad Force and support services for the installation of one box culvert storm drain crossing under and across the Danbury Railroad tracks and the Still River Channel located at the Danbury Station in conjunction with the East Ditch Storm Drain.

The communication was received on the Consent Calendar and Mayor Mark D. Boughton authorized to execute the Force Account Agreement with Metro-North Railroad for work related to the East Ditch drainage project.

39 – COMMUNICATION – Request for Assessment Deferral – 14-16 State Street

Mrs. Stanley asked that this be referred to an ad hoc committee, the Corporation Counsel, the Tax Assessor, the Director of Planning, the Director of Finance and the Director of Economic Development. Mayor Boughton so ordered and appointed Council Members Cavo, Calandrino and Saadi to the committee.

40 – COMMUNICATION – Petitions for Sewer and Sidewalks on Southern Boulevard

The communication was received on the Consent Calendar and referred to the Fifth Ward Council Members and the Director of Public Works for a neighborhood meeting as previously directed.

41 – COMMUNICATION – Drainage on South Cove Road

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

42 – COMMUNICATION – Request for Front Yard Parking on City Property

Ms. Teicholz asked that this be referred to the Zoning Enforcement Officer for a report back within thirty days. Mayor Boughton so ordered.

43 – COMMUNICATION – Child Care Center Project

Ms. Diggs 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 Urice, Steinerd and Barry to the committee.

44 – COMMUNICATION – Road Widening Parcel – East Starrs Plain Road

Mr. Cavo 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 Urice, Steinerd and Barry to the committee.

45 – COMMUNICATION – United Auto Group, Inc./Fair Honda

Ms. Saracino 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 Calandrino, Cavo and Esposito to the committee.

46 – COMMUNICATION – Boulevard Drive Sewer Installation

The communication was received on the Consent Calendar and no action taken as the concerns of the petitioners have already been addressed.

47 – COMMUNICATION – Report regarding Sewer and Water Extensions on Stable Drive

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

48 – COMMUNICATION – Report on Boughton Street YMCA

Report from the Director of Parks and Recreation concluding that at a cost of \$1.9 million to purchase, in addition to major repairs and renovations, it would not be cost effective for the City to purchase this facility. The report was received on the Consent Calendar and no action taken.

49 – REPORT – Tax Assessment Deferrals – 1 Kennedy Avenue & 30 Crosby Street

Ms. Saracino submitted the following report:

The Common Council Committee appointed to review the request for tax assessment deferrals at 1 Kennedy Avenue and 30 Crosby Street met on March 7, 2005 at 6:00 P.M. in Conference Room 3C in City Hall. In attendance were committee members Saracino, Nagarsheth and Visconti. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Finance Dena Diorio, Tax Assessor Colleen Velez, Director of Economic Development Jim Bellano, the petitioner Dan Bertram, Attorney Paul Jaber, Brian Doto and Council Members Cavo and Seabury, ex-officio.

Ms. Saracino stated that the purpose of the committee is to determine if the applications meet the intent of the ordinance. Ms. Saracino noted that the Planning Director submitted reports stated that these projects meet the legal criteria of the ordinance.

Attorney Jaber asked for approval and would like the deferral upon the transfer of the unit. He asked that the agreement would authorize the transfer of individual units without coming back to the Common Council for each transfer. He would condition his documents that any purchaser would be subject to comply with the conditions of the City. Mr. Bertram stated that the Crosby Street project will have 115 units and the Kennedy Avenue project will have 500 units.

Mr. Visconti asked if the deferrals would be for five years or seven years? Ms. Saracino stated that the deferrals are for seven years. Attorney Gottschalk stated that if the condominiums are sold within seven years, the deferral follows that condominium. Mr. Visconti asked if there had been any testing done at the sites. Mr. Bertram said two phases had already been completed on the Kennedy Avenue site and the Crosby Street site had previously been remediated. Mr. Seabury asked about the cost of the units and Mr. Bertram said the lowest cost would be \$250,000. Mr. Visconti asked if the clock on the deferral begins when the shovel is put into the ground. Mr. Bertram said the clock starts when he obtains a certificate of occupancy.

Mr. Nagarsheth made a motion to recommend authorizing the Mayor to execute the agreements in accordance with Section 8-25 of the Code of Ordinances deferring assessment increases attributable to improvements and construction at 1 Kennedy Avenue and 30 Crosby Street for a period of seven

years. The committee also recommends that the Common Council grant a blanket approval for the assumption of the contract obligations by future purchasers as long as said purchaser agrees to assume the terms of the contract. Seconded by Mr. Visconti. Motion carried unanimously.

Mr. Nolan made a motion to receive the report and adopt the recommendations of the committee. Seconded by Mrs. Basso. Motion carried with Mr. Saadi voting in the negative.

50 – REPORT – Caraway Drive

Mr. Cavo submitted the following report:

The Common Council Committee appointed to review the acceptance of Caraway Drive met on March 22, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo, Nagarsheth and Visconti. Also in attendance were Deputy Corporation Counsel Eric Gottschalk, Director of Public Works William Buckley, Director of Planning Dennis Elpern, Council Members Diggs, Teicholz and Urice, ex-officio and residents of Caraway Drive.

Mr. Cavo asked Mr. Elpern for an overview. Mr. Elpern stated that in 1999 the Planning Commission approved a five-lot subdivision off Driftway Road. A bond was posted. The subdivision proceeded but the road and other improvements were not constructed as delineated on the plans. Mr. Buckley stated that a permit was issued to Construction Consultants LLC to build a road and a bond in the amount of \$117,500 was posted. There are four areas of deficiencies. The slope of the road exceeds what was approved; the slope of the cul-de-sac; drainage easement and catch basin construction in the easement as it heads towards West Lake and pre-existing utility easements to the Water Department to carry from Lake Kenosia to West Lake Reservoir and how those construction activities conflict with that easement.

Mr. Cavo asked if the City could accept this road and direct the Corporation Counsel to pursue legal action through one motion. Attorney Gottschalk suggested that the motion be to recommend that Caraway Drive be accepted as a City road and the Corporation Counsel be authorized to institute action against appropriate parties to recover sums necessary to complete the road. Mr. Visconti asked if the appropriate firm to sue would be Construction Consultants LLC. Attorney Gottschalk said that was correct.

Mr. Cavo asked Attorney Gottschalk for an explanation of what happened to the bond. Attorney Gottschalk stated that a letter of credit was posted which had an expiration date of October 31st, eighteen months ago. After negotiations with the developers, the bond was renewed and a new letter of credit issued. It was agreed that we would try to resolve the outstanding issues. This was prior to the submission of plans showing the slope. The bond was renewed twice after that date and scheduled for the following June. Representations were made that the bond was going to be renewed, but in fact, was not and the City was left without a bond.

Mr. Cavo asked if there is a mechanism in place to prevent this from happening again? Mr. Elpern said no. Mr. Cavo asked how we could have a mechanism in place? Mr. Elpern said he is not sure. He said this is a rare occurrence.

Mr. Nagarsheth made a motion to recommend that the Common Council accept Caraway Drive as a City road and authorize the Corporation Counsel to take legal action against the appropriate parties to recover the sums necessary to complete the road. Seconded by Mr. Visconti. Motion carried unanimously.

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

Ms. Teicholz submitted the following report:

The Common Council Committee appointed to review the request for a modification of easement on Lot B, Aunt Hack Road met on March 29, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Teicholz, Diggs and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley, Attorney Neil Marcus representing the petitioner and Council Members Basso and Cavo, ex-officio. Virginia Carlson and Mary Corey arrived at 7:10 P.M.

Ms. Teicholz noted the positive recommendation from the Planning Commission. Attorney Marcus stated that he is seeking a modification of an easement that was granted for two properties on Aunt Hack Road, through a watershed area that belongs to the City. Mrs. Corey acquired an easement from the City to cross over the city land in order to access her property. Attorney Marcus stated that his client, Mr. Perrone, wishes to purchase this property. The Environmental Impact Commission determined that the roughed out road passes through property identified as wetlands. The EIC recommended that a bend would need to be installed in the driveway in order to go around these wetlands. Property owners, Mr. and Mrs. Carlson, share a similar easement and they are agreeable to the exchange of property.

Mr. Buckley stated that one of his concerns was it was not clear if the Carlson's were agreeable to the change of easement. Both property owners have their own easement for the same piece of property and if this request were to be granted, both property owners would have to agree to relinquish their current easements in order for the City to grant new ones for the property around the wetlands, as well as grant a temporary permit to grade. He also stated that because this is watershed property it is regulated by the State Department of Health. This will be a change of ownership and application for approval will have to be obtained. Also, before a driveway permit could be issued, another approval may need to be obtained from the State Department of Health as well.

Mr. Buckley suggested that the Common Council could determine with a recommendation from the Tax Assessor, the value of the new easement. Attorney Pinter agreed with Mr. Buckley's assessment of the request and reiterated that in order for this request to be granted both parties would have to agree to relinquish all interests in the present easements. Mrs. Carlson said that she was originally concerned about the request and whether or not the new easement would only cover Lot B and not her property. She stated that if her property will be covered under the new easement they would not object to its approval.

Mr. Visconti made a motion to enter into Executive Session at 7:25 P.M. Seconded by Mrs. Diggs and carried unanimously. The meeting was reconvened at 7:33 P.M.

Mrs. Diggs made a motion to approve the modification of easements for Lot B on Aunt Hack Road subject to all the terms and conditions set forth by the City Engineer, the EIC, and the Corporation Counsel, including all documents that are deemed necessary including the release of the existing easements from both parties as shown on the map on record, compliance with conditions of the State Department of Health, the temporary right to grade, and compensation for the new easement in which the value was determined by the Tax Assessor. Mr. Visconti seconded the motion. The motion carried with Ms. Teicholz and Mrs. Diggs voting yes and Mr. Visconti voting no.

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

52 – DEPARTMENT REPORTS – Fire Chief, Police Chief, Fire Marshall, Department of Public Works, Economic Development, Welfare & Social Services, Department of Elderly Services, Health and Housing, Permit Center, Building Department. Mr. Nolan made a motion to receive the department reports and waive the reading as all members have copies. Seconded by Ms. Saracino. Motion carried unanimously.

52 – COMMUNICATION – Magnet School Land Use Approvals (Executive Session)

At 9:00 P.M. Mr. Nolan made a motion to enter into Executive Session. Seconded by Mr. Cavo. Motion carried unanimously.

At 9:10 P.M. the Common Council reconvened in public session. Mr. Nolan made a motion to approve the sum of \$18,500 to settle the claim, pending certification by the Director of Finance. Seconded by Mrs. Basso. Motion carried unanimously.

Mayor Boughton extended all committees.
Mayor Boughton appointed the various budget committees.

There being no further business to come before the Common Council, a motion was made at 9:15 P.M. by Mr. Nolan for the meeting to be adjourned.

Respectfully submitted,

JIMMETTA L. SAMAHA, Clerk

ATTEST:

MARK D. BOUGHTON, Mayor