

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

RE: Minutes of the Common Council Meeting held September 7, 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, Johnson, Trombetta, Calandrino, Saadi, Barry, Visconti, Steinerd, Urice, Esposito, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Nagarsheth, Riley, Seabury, Stanley

20 PRESENT – 1 VACANCY

PUBLIC SPEAKING

Nev Murtishi, 239 Franklin Street – Spoke in favor of item 28. He would like the Common Council to sell him the land at 57-59 Bear Mountain Road

Don McGran, 20 Buckskin Heights – Spoke against item 28. Selling the land is not the right thing to do.

Gerry Trocolla, 12 East Hayestown Road – Spoke regarding item 25. The hot dog cart is damaging his business.

Tom Spegnolo, 33 Candlelight Drive – He spoke regarding item 25. He would like to be allowed to keep his hot dog cart at Hatters Park.

Jean Rivot, 4 Buckskin Heights – She had no knowledge that the property at 57-59 Bear Mountain Road was for sale.

John Botelho, 12 Buckskin Heights – He is against selling the property on Bear Mountain Road

Tom Spegnolo, Sr., 68 East Pembroke Road – The issue with the hot dog cart at Hatters Park should never have gotten this far. He hopes it can be settled tonight.

Tom Johnson, 13 Buckskin Heights – He is against selling the property on Bear Mountain Road and asked why it was not put out for general bid.

George Hoyt, 18 Buckskin Heights – He is against selling the property on Bear Mountain Road. His driveway is a paper road.

Terri Bocuzzi, 27 Crows Nest Lane – works in the Police Department and too many out of town vendors are getting permits. You might want to look at this ordinance.

MINUTES – Minutes of the Common Council Meeting held August 2, 2005 and the Special Common Council Meeting held August 23, 2005. Mr. Nolan made a motion to adopt the minutes as presented. Seconded by Ms. Saracino. Motion carried unanimously.

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

1 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to execute any necessary documents to effectuate amendments to the City of Danbury Deferred Compensation Plans, as outlined in the communication from the Director of Finance and Personnel.

2 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton to execute the necessary documents to assign \$385,102.95 of unpaid property taxes on the Grand List of October 1, 2004

to American Tax Funding, LLC as outlined in the communication from the Tax Collector.

3 – Receive the communication and adopt the resolution authorizing Mayor Mark D. Boughton, or his designee Police Chief Alan D. Baker, to execute a Victim Advocate Law Enforcement grant application to receive \$50,000.00 in funding from the Connecticut Office of Policy and Management.

4 – Receive the communication and adopt the Resolution authorizing the City of Danbury Department of Health and Housing to receive grant funding from the State of Connecticut Department of Public Health in the amount of \$26,913.33, and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish those purposes. The funding shall be used for Childhood Lead Screening and Lead Poisoning Prevention programs.

5 – Receive the communication and adopt the Resolution extending the time period afforded to acquire easements related to the East Ditch Project, the Library Place Parking Garage Project and the Main Street North Project.

6 – Receive the communication and adopt the resolution authorizing the City of Danbury Department of Health and Housing to apply for grant funding from the State of Connecticut Department of Public Health in the amount of \$420,204.00, and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish those purposes. This funding shall provide an additional \$32,038.00 in funding over a two-year period for School Based Health Center programs.

7 – Receive the communication and adopt the resolution authorizing the City of Danbury Fire Department to apply for and receive grant funding from the Federal Emergency Management Agency in the amount of \$292,800.00 and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish those purposes. The funding shall be used for the purpose of purchasing a fire pumper and for Emergency Vehicles Operations training. It requires a local match of \$73,200.00 available in the Fire Department's current year budget.

9 – Receive the communication and confirm the appointment of Wayne Shepperd as Director of Economic Development for the City of Danbury.

12 – Receive the communication and authorize the transfer of \$20,000 to the Fire Department Special Services Account #2010.5052.

16 – Receive the communication and approve the conveyance of sidewalk and sanitary sewer easements from Briar Ridge, LLC to the City of Danbury as required by the Planning Commission's approval of the project.

17 – Receive the communication and approve the conveyance of sidewalk and utility easements and a strip of land for highway purposes, from Harbor View Condominiums to the City of Danbury, as required by the Planning Commission in their project approval.

20 – Receive the communication and extend the time allowed for sewer extension to Candlewood Park, Inc. from Nabby Road. The additional time allotted shall be twelve months from the original eighteen-month period authorized from July 2004.

21 – Receive the communication and extend the time allowed for water extension to Candlewood Park, Inc. from Nabby Road. The additional time allotted shall be twelve months from the original eighteen-month period authorized from July 2004.

22 – Receive the communication and approve the acceptance of a fire hydrant to be installed by the property owner/developer at Assessor's Lot #L12032, with all costs of installation being borne by the developer.

29 – Receive the report and approve the committee recommendation to allow the extension of sewer and water to 40 Oil Mill Road subject to the required eight steps.

32 – Receive the communication and approve the committee recommendation to grant an easement at 4 Hylo Drive subject to the encroachment conditions as proposed by the Corporation Counsel and the Director of Public Works.

Mr. Cavo made a motion to adopt the consent calendar as read with items 9 and 21 being withdrawn. Seconded by Mr. Urice. Motion carried unanimously.

1A – COMMUNICATION – Letter from Republican Town Committee Chairman Wayne Baker recommending that Ted A. Cutsumpas, 1 Ryder Lane be appointed to fill the at-large Common Council vacancy. Mr. Nolan made a motion to receive the communication and appoint Ted Cutsumpas to the at-large Common Council seat. Seconded by Mrs. McMahon. Motion carried unanimously.

Mr. Cutsumpas was sworn in by Corporation Counsel Robert Yamin and took his seat on the dais.

1 – RESOLUTION – Deferred Compensation Plan

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the City of Danbury offers Deferred Compensation Plans to its employees; and

WHEREAS, the Federal Internal Revenue Service has adopted regulations containing guidelines, which when followed, allow such plans to be deemed eligible Deferred Compensation Plans and that allow participants in such plans to be eligible for favorable tax treatment; and

WHEREAS, the City of Danbury wishes to conform its plans to the requirements contained in the aforementioned IRS regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the attached plan document is hereby approved for use by the City of Danbury in connection with Deferred Compensation Plans that it now offers or may in the future offers to its employees and that the Mayor is hereby authorized to execute any and all plan documents required in order to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute any necessary documents to effectuate amendments to the City of Danbury Deferred Compensation Plans, as outlined in the communication from the Director of Finance and Personnel approved.

2 – RESOLUTION – Assignment of Real Estate Liens

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, Connecticut General Statutes 12-195h authorizes any municipality to assign for consideration any and all liens filed by the Tax Collector to secure unpaid taxes on real property; and

WHEREAS, the City of Danbury previously assigned certain real estate tax liens to American Tax Funding, LLC (“ATF”); and

WHEREAS, the assignment of additional tax liens on the grand list of October 1, 2004 to AFT with Foothill Capital Corp. as a secured party, relating to the same properties covered by the tax liens previously assigned to ATF, would further reduce the administrative burden upon the Danbury Tax Collector for the benefit of the City.

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 accomplish the assignment to ATF with Foothill Capital Corp. as a secured party of additional liens filed by the tax collector to secure unpaid taxes on real property appearing on the grand list of October 1, 2004 and having a value of \$385,102.95 (less any amounts paid on or after September 30, 2005) and that Mayor Boughton be and hereby is further authorized to execute any agreements or amendments thereto as may be required to accomplish the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton to execute the necessary documents to assign \$385,102.95 of unpaid property taxes on the Grand List of October 1, 2004 to American Tax Funding, LLC as outlined in the communication from the Tax Collector adopted.

3 – RESOLUTION – Victim Advocate Law Enforcement Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Office of Policy and Management Victim Advocate Law Enforcement Project (“V.A.L.E.”) has offered a grant to the City of Danbury in the amount of \$50,000.00; and

WHEREAS, said grant would provide funding for law enforcement to develop a victim advocate law enforcement pilot program in the City of Danbury to focus on improving response to domestic violence crimes, enhancing access to victim services and creating collaborative relationships between victim advocates and police; and

WHEREAS, of the total award of \$50,000.00, the federal match is \$37,500.00 and the State match is \$12,500.00 with no local share required; and

WHEREAS, the proposed period of award will be October 1, 2005 through September 30, 2006.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury or his designee, Alan D. Baker, the Chief of Police be and hereby are authorized to execute a V.A.L.E. Grant Application Form in order to secure the funding for the V.A.L.E. program and to ratify and take all necessary action in furtherance thereof.

The communication was received on the Consent Calendar and the resolution authorizing Mayor Mark D. Boughton, or his designee Police Chief Alan D. Baker, to execute a Victim Advocate Law Enforcement grant application to receive \$50,000 in funding from the Connecticut Office of Policy and Management adopted.

4 – RESOLUTION – Childhood Lead Screening and Poison Prevention

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Public Health has notified the Department of Health and Housing of the City of Danbury of the City’s eligibility to apply for a Childhood Lead Screening and Lead Poisoning Prevention Project Grant; and

WHEREAS, the grant term will cover a one year period of 10/1/05 through 9/30/06 in the amount of \$26,913.33 with no local match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide community education and outreach within high-risk urban neighborhoods addressing health problems associated with childhood lead poisoning.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Public Health for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing the City of Danbury Department of Health and Housing to receive grant funding from the State of Connecticut Department of Public Health in the amount of \$26,913.33 and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish those purposes adopted. The funding shall be used for Childhood Lead Screening and Lead Poisoning Prevention programs.

5 – RESOLUTIONS – Acquisition of Properties – East Ditch, Parking Garage on 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 Vision 2 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 and N attached hereto; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City of Danbury, through the Office of Corporation Counsel be and hereby is authorized to acquire the easements set forth on EXHIBITS A, B, C, D, E, F, G, H, I, J, K, L, M and N 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 March 1, 2006

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 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 March 1, 2008.

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 and B 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 March 1, 2006.

The communication was received on the Consent Calendar and the resolutions extending the time period afforded to acquire easements related to the East Ditch Project, the Library Place Parking Garage Project and the Main Street North Project adopted.

6 – RESOLUTION – School Based Health Center Revision

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services has notified the Department of Health and Housing of the City of Danbury of the City's award of an additional \$32,038.00 for the School Based Health Center Continuation Grant for FY 2005-07. Total two-year award is not to exceed \$420,204.00; and

WHEREAS, the grant term will cover a two year period of July 1, 2005 through June 30, 2006 for \$210,102.00 and a second year July 1, 2006 to June 30, 2007 for an additional \$210,102.00 with no local match required; and

WHEREAS, the State's purpose in providing these funds is to enable the City's Health and Housing Department to provide the age appropriate

accessible and affordable medical and mental health care services of Danbury High School students.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury is hereby authorized to apply to the State of Connecticut Department of Health Services for said grant funds and to accept the award if offered; and

BE IT FURTHER RESOLVED THAT Mayor Mark D. Boughton is hereby authorized to take any and all actions necessary to effectuate the purposes hereof.

The communication was received on the Consent Calendar and the resolution authorizing the City of Danbury Department of Health and Housing to apply for grant funding from the State of Connecticut Department of Public Health in the amount of \$420,204.00, and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish those purposes was adopted. This funding shall provide an additional \$32,038.00 over a two-year period for School Based Health Center programs.

7 – RESOLUTION – Fire Department Grant

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Federal Emergency Management Agency has allowed the Danbury Fire Department to apply for funding for the acquisition of a fire pumper and emergency vehicles operations training; and

WHEREAS, the total amount of said funding for such purposes is \$366,000.00 of which \$292,800.00 if FEMA funds and the balance of \$73,200.00 is the required local share; and

WHEREAS, the Danbury Fire Department would like to apply for and accept said grant and, together with the local share, obtain the needed equipment and training.

NOW, THEREFORE, BE IT RESOLVED THAT Mark D. Boughton, Mayor of the City of Danbury or his designee, Danbury Fire Chief Peter Siecienski, be and hereby are authorized to apply for and accept said grant and to execute such additional documents as may be required to effectuate the purposes thereof.

The communication was received on the Consent Calendar and the resolution authorizing the City of Danbury Fire Department to apply for and receive grant funding from the Federal Emergency Management Agency in the amount of \$292,800.00 and authorize Mayor Mark D. Boughton to execute any and all documents to accomplish these purposes adopted. The funding shall be used for the purpose of purchasing a fire pumper and for Emergency Vehicles Operations training. It requires a local match of \$73,200.00 available in the Fire Department's current year budget.

8 – COMMUNICATION – Promotions in the Fire Department

Letter from Mayor Mark Boughton requesting confirmation of the promotion of Christopher C. Daly to the position of Lieutenant in the Fire Department. Mrs. McMahon made a motion to receive the communication and confirm the promotion. Seconded by Mr. Steinerd. Motion carried unanimously.

Promotion of Albert L. Mion to Lieutenant in the Fire Department. Mr. Cavo made a motion to confirm the appointment. Seconded by Ms. Saracino. Motion carried unanimously.

Promotion of Kenneth E. Appley, Jr. to Lieutenant in the Fire Department. Mr. Johnson made a motion to confirm the appointment. Seconded by Mr. Trombetta. Motion carried unanimously.

9 – COMMUNICATION – Appointment of Director of Economic Development

Letter from Mayor Mark Boughton requesting confirmation of the appointment of Wayne Shepperd as the Director of Economic Development. Mr. Nolan made a motion to receive the communication and confirm the appointment. Seconded by Mrs. Basso. Motion carried unanimously.

10 – COMMUNICATION – Donation to the Library

Letter from Library Director Betsy McDonough requesting permission to accept a donation in the amount of \$24.74 from the Danbury Lions Club. 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.

11 – COMMUNICATION – Donation to the Fire Department

Letter from Chief of Police Peter Siecienski requesting permission to accept a donation in the amount of \$100 from Richard Glehan for Volunteer Training. Mr. Nagarsheth made a motion to receive the communication, accept the donation, credit the appropriate line item and send a letter of thanks. Seconded by Ms. Teicholz. Motion carried unanimously.

12 – COMMUNICATION – Fire Department Special Services Account

Letter from Fire Chief Peter Siecienski requesting that the sum of \$20,000 be transferred in to Fire Department Special Services Account due to ongoing events. The communication was received on the Consent Calendar and the transfer of \$20,000 authorized.

13 – COMMUNICATION – Sign for Old Great Plain School

Letter from Council Member Mary Saracino requesting that an ad hoc committee be appointed to arrange for an identifying sign to be placed at the site of the old Great Plain School. Mr. Cavo asked that this be referred to the Director of Public Works for a report back within thirty days. Mayor Boughton so ordered.

14 – COMMUNICATION – Towing Ordinance

Letter from Police Chief Alan Baker requesting that the Common Council review and change the Towing Ordinance. Mr. Riley asked that this be referred to an ad hoc committee, the Police Chief, the Corporation Counsel, the Director of Finance and the Purchasing Agent. Mayor Boughton so ordered and appointed Council Members Basso, Trombetta and Barry to the committee.

15 – COMMUNICATION – Dell's Auto Wrecking

Letter from Council Member Tom Saadi requesting that an ad hoc committee be appointed to determine options available to ensure compliance with current land use laws by Dells Auto Wrecking and to facilitate the construction of a new fence between Dells and Plumtrees Road. Mrs. McMahon asked that this be referred to the Director of Public Works, the Zoning Enforcement Officer, the Director of Planning and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

16 – COMMUNICATION – Briar Ridge LLC – Briar Woods Condominium

Letter from Attorney Paul Jaber requesting that the City accept a sidewalk easement and a sanitary sewer easement in connection with Briar Woods Condominiums. The communication was received on the Consent Calendar

and the conveyance of sidewalk and sanitary sewer easements from Briar Ridge, LLC approved.

17 – COMMUNICATION – Harbour View Condominiums

Letter from Attorney Paul Jaber requesting that the City accept a sidewalk easement and utility easement, as well as the conveyance of a strip of land along Hayestown Road for highway purposes in connection with Harbour View Condominiums.

The communication was received on the Consent Calendar and the conveyance of sidewalk and utility easements and a strip of land for highway purposes from Harbour View Condominiums approved.

18 – COMMUNICATION – Request for Sewer Extension – 14 Clapboard Ridge

Ms. Diggs 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 Nolan, McMahon and Esposito to the committee.

19 – COMMUNICATION – Request for Sewer and Water Extensions at 13 French Street

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 Diggs, Teicholz and Saadi to the committee.

20 – COMMUNICATION – Sewer Line Extension from Nabby Road to Candlewood Park, Inc. – Forty Acre Mountain Road

The communication was received on the Consent Calendar and the time allowed for a sewer extension to Candlewood Park, Inc. from Nabby Road extended. The additional time allotted shall be twelve months from the original eighteen-month period authorized from July 2004.

21 – COMMUNICATION – Water Line Extension from Nabby Road to Candlewood Park, Inc. – Forty Acre Mountain Road

Mr. Nolan asked that this be referred to the Corporation Counsel, the Planning Director, the Director of Public Works and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

22 – COMMUNICATION – McDonalds, Newtown Road

The communication was received on the Consent Calendar and the acceptance of a fire hydrant to be installed by the property owner/developer at Assessor's Lot #L12032 with all costs of installation being borne by the developer approved.

23 – COMMUNICATION – Request from St. Anthony's Church to Purchase Surplus Land on Daly Lane

Ms. Saracino asked that this be referred to an ad hoc committee, the Corporation Counsel, the Director of Public Works, the Tax Assessor and the Planning Commission. Mayor Boughton so ordered and appointed Council Members Riley, Saracino and Visconti to the committee.

24 – COMMUNICATION – Request by Ralph Sergi to Donate Land on Tarrywile Lake Road

Mrs. Stanley asked that this be referred to the Tarrywile Park Authority, the Director of Public Works, the Corporation Counsel and the Planning Commission for reports back within thirty days. Mayor Boughton so ordered.

25 – COMMUNICATION – Report regarding Hot Dog Vender at Hatters Park

Mr. Nolan made a motion to receive the report and take no action. Seconded by Ms. Saracino. Motion carried unanimously.

26 – COMMUNICATION – Reports regarding Morgan Avenue

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

27 – COMMUNICATION – Sight Line Easement – 40 Division Street

Mr. Nolan made a motion to receive the communication, accept the easement and authorize the Mayor to execute the necessary documents. Seconded by Mr. Cavo. Mr. Nolan asked if Attorney Olivo's statements were accurate. Attorney Gottschalk said they were. Motion carried unanimously.

28 – REPORT – Request to Purchase Property at 57-59 Bear Mountain Road

Mr. Steinerd submitted the following report:

The Common Council Committee appointed to review the request to purchase land at 56-59 Bear Mountain Road met on August 18, 2005 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Steinerd, Basso and Esposito. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Attorney Camille DeGalan, Neuzat Murtishi and Council Members Nolan, Saadi, Seabury and Visconti, ex-officio.

By way of background, Mr. Steinerd stated that the petitioner purchased two parcels of land. In order for him to access and develop these parcels he would have to purchase the land from the City. There is one other landowner who uses the paper road. There are no records that show whether she has purchased this land. Mr. Murtishi is looking to develop two parcels with one house on each. Mr. Steinerd said the land is not park property.

Mr. Esposito stated that this land was not conveyed in 1974 so it is a part of the Bear Mountain Reservation. Attorney Gottschalk stated that he believes the property was meant to be a road in the subdivision. He does not view it as part of the park. Mr. Buckley said it was part of a subdivision and a proposed road. It should be developed as a proposed road and should have a cul-de-sac at the end. The City does not have to sell this land for these lots to be developed consistent with zoning regulations. His recommendation is to let Mr. Murtishi develop it as a proposed road. Mr. Steinerd asked about the cost and Mr. Buckley said he did not know.

Attorney DeGalan said Mr. Murtishi has landlocked land and he is trying to correct it. She said this is a hardship for her client. She said that Mr. Murtishi should not have to bear all the cost as there is another neighbor using the road. Mr. Murtishi is willing to pay \$4,500 as recommended by the Tax Assessor. He needs fee simple ownership. Mr. Saadi said the hardship is not one that was created by the City but was in existence at the time of purchase. He stated that Mr. Buckley presented the best scenario. This is meant to be a municipal road. If this is developed as a 705-foot driveway, Mr. Saadi is concerned about safety vehicles. He asked if there is any idea of what it would cost to bring the road up to City standards? Mr. Murtishi said he has looked into the cost of a City road and it would be between \$140,000 and \$185,000. It is \$200 per square foot, multiplied by 700 x the width so it is quite expensive for one single-family house.

Attorney DeGalan said there are flag lots throughout the City. It will be on the land records in Mr. Murtishi's name. Mr. Saadi asked if the dollar amount

for the cost is for access to one lot or to build two houses? Mr. Murtishi said he is not building these houses on a developer's scale. He builds one house at a time and moves into them for tax benefits. He stated that he knows that errors were made. Attorney DeGalan stated that if you look at the map, it puts Mr. Murtishi right at the line of the original lot, not the combined lot.

There was further discussion pertaining to building lots, road access, flag lots and zoning regulations, as well as other uses if an access road were to be built.

Mr. Visconti asked if it were correct, under the zoning regulations, that flag lot owners depending on an access way for access to a street must own the access way in fee simple. Attorney Gottschalk said that was correct.

Mrs. Basso made a motion to recommend approval of the conveyance of a strip of property 20 feet by 705 feet on Bear Mountain Road for a price of \$4,500 and the City will reserve the right to use the property for municipal purposes and also preserve the rights of the second homeowner. Seconded by Mr. Steinerd. Motion carried with Mrs. Basso and Mr. Steinerd voting yes and Mr. Esposito voting no.

Mrs. Basso made a motion to receive the report and adopt its recommendations. Seconded by Mr. Nolan.

Mr. Riley asked Mr. Buckley if he is still against selling the property and why. Mr. Buckley said it is the staff's recommendation not to sell the property. This is a subdivision lot and a subdivision road. He stands by the recommendation not to sell the property. The road should be developed as a subdivision road. If it is a financial hardship the Common Council could authorize that the City pay for a portion of the cost. Mrs. Stanley asked if the subdivision is in place. Mr. Buckley said it dates back to the 1960s and is shown on two Town Clerk's maps. Mrs. Stanley asked if there is any reason not to allow him to use the paper road? Mr. Buckley said it is not allowed because of zoning regulations. Mrs. Stanley asked if the land can be used to build only one house? Attorney Gottschalk said it is for a single-family residence.

Mr. Saadi asked that even though it is for a single-family house, could land be cobbled together? Attorney Gottschalk said that if land is available anyone could petition for a change of zone. Mr. Saadi said that mistakes have been made. The City did not create the hardship. He said that Mr. Buckley has presented a scenario to correct the situation. It is false to say that Mr. Murtishi cannot develop his land.

Mr. Seabury asked if the subdivision was approved in 1964? Attorney Gottschalk said it was. Mr. Seabury asked if it is taxed as two building lots? Attorney Gottschalk said he didn't know. Mr. Seabury asked why the other neighbor was not required to put in a road. Attorney Gottschalk said because it was constructed decades ago.

Mr. Riley asked why the bidding process was eliminated. Attorney Gottschalk said that was not correct. The Common Council may dispose of land any way it chooses including referring it to the Purchasing Department for bidding.

Mr. Nolan made a motion to move the question. Seconded by Mr. Cavo. Motion carried 13 yes and 8 no with Council Members McMahon, Steinerd, Urice, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Cutsumpas, Nagarsheth, Seabury and Stanley voting yes and Council Members Johnson, Trombetta, Calandrino, Saadi, Barry, Visconti, Esposito and Riley voting no.

Main motion failed 13 yes and 8 no with Council Members McMahon, Steinerd, Urice, Nolan, Basso, Saracino, Cavo, Diggs, Teicholz, Cutsumpas, Nagarsheth, Seabury and Stanley voting yes and Council Members Johnson, Trombetta, Calandrino, Saadi, Barry, Visconti, Esposito and Riley voting no.

Fourteen votes are required for the sale of land. Motion failed.

29 – REPORT – Request for Sewer and Water Extensions – 40 Oil Mill Road

Mr. Steinerd submitted the following report:

The Common Council Committee appointed to review the request for sewer and water extensions at 40 Oil Mill Road met at 7:30 P.M. on August 23, 2005 in the Third Floor Caucus Room in City Hall. In attendance were committee members Steinerd, Urice and Barry. Also in attendance were Director of Public Works William Buckley and the petitioner, Anthony James.

Mr. Steinerd noted the positive report from the Planning Commission.

Mr. Buckley said this is a small extension for both sewer and water. If you are going down Oil Mill Road this is one of the last lots on the right hand side. He is not sure that water is needed, but he would recommend approval of both subject to the required eight steps.

Mr. Barry made a motion to recommend approval of the request for sewer and water extensions at 40 Oil Mill Road subject to the required eight steps. Seconded by Mr. Urice. Motion carried unanimously.

The report was received on the Consent Calendar and the committee recommendation to allow the extension of sewer and water to 40 Oil Mill Road subject to the required eight steps approved.

30 – REPORT – Application for Deferral of Assessment Increases – Cendant Mobility – 40 Apple Ridge Road

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the application for deferral of assessment increases for Cendant Mobility at 40 Apple Ridge Road met on August 16, 2005 at 6:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Nagarsheth and Saadi. Also in attendance were Mayor Mark Boughton, Director of Finance Dena Diorio, Director of Planning Dennis Elpern, Assistant Corporation Counsel Les Pinter, Attorney Chris Donahue and Bruce Perlman from Cendant and Council Members Saracino, Teicholz, Diggs, Urice, Seabury and McMahan, ex-officio.

Mr. Elpern said the application is for \$3,012,000 for conference and office construction, which is now underway. They meet all eligibility requirements. Mayor Boughton said the City looks favorably on the project because of the potential of 180 new jobs. He said that he began meeting with officials from Cendant about a year ago when they first proposed a conference room/exercise facility. They eliminated the exercise facility and added office space. Mr. Perlman said work was stopped on the project for site plan revision and additional parking. They resumed construction upon site plan approval. Ms. Diorio said that over seven years the revenue loss would be \$350,000.

Mr. Saadi asked about breakout figures for the conference center. The Cendant representatives did not know the answer. Mr. Saadi said he wants to be consistent with other applications. Mr. Perlman said he would have the breakout figures before the September Common Council Meeting. Mr. Nolan said his concern is job growth and the plan may not have been eligible, but it was stopped and changed direction and that satisfied him. He said a critical element for him was the conversation with Cendant and the plan as it exists is predicated on development of job growth. It is not retrospective. They have modified their plan to grow jobs. It is not post facto as other situations. Mr. Saadi said he would withhold his yes vote until the September meeting.

Mr. Nagarsheth made a motion to recommend to the Common Council approval of the application for deferral of assessment increases for Cendant Mobility, 40 Apple Ridge Road. Seconded by Mr. Nolan. Motion carried with Mr. Nolan and Mr. Nagarsheth voting yes and Mr. Saadi voting no.

Mr. Cavo made a motion to receive the report and adopt the committee's recommendation. Seconded by Mr. Urice. Motion carried unanimously.

31 – REPORT – Application for Deferral of Assessment Increases – Praxair

Mr. Nolan submitted the following report:

The Common Council Committee appointed to review the application for deferral of assessment increases for Praxair, Inc. met on August 16, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Nolan, Nagarsheth and Saadi. Also in attendance were Mayor Mark Boughton, Director of Finance Dena Diorio, Director of Planning Dennis Elpern, Assistant Corporation Counsel Les Pinter, Edward Durkin from Praxair and Council Members Saracino, Teicholz, Diggs, Urice, Seabury and McMahon, ex-officio.

Mr. Elpern said the request is for \$12,500,000 for seven years. It is for renovation of office space and meets all the eligibility requirements. Mayor Boughton said Praxair has signed a lease until 2015. Ms. Diorio said lost revenue would be \$1,400,000 over the seven years. Mr. Durkin said Praxair is a 6.8 billion dollar business with 425 people at the site. It brings much to the community in that it uses Danbury Airport, entertains people and brings people in and out of the community.

Mr. Saadi asked if construction is underway? Mr. Durkin said they have a demolition permit and obtained a construction permit two weeks ago. Contracts have been signed with Pavarini. Mr. Durkin said there would be some new space and some renovation of existing space. They will end up with less offices, but accommodations for more people. Mr. Saadi asked if breakout costs could be provided prior to the September Common Council Meeting? Mr. Durkin said he would provide that. Mr. Nolan said they are looking for general renovation costs versus facility upgrade. Mr. Nagarsheth asked if there are two five-year options on the lease that was signed until 2015. Mr. Durkin said that was correct and there are no options to terminate.

Mr. Nagarsheth made a motion to recommend approval of the application for deferral of assessment increase for Praxair, Inc. at 30 Old Ridgebury Road. Seconded by Mr. Nolan. Motion carried with Mr. Nolan and Mr. Nagarsheth voting yes and Mr. Saadi voting no.

Ms. Saracino made a motion to receive the report and adopt the committee's recommendation. Seconded by Mrs. Basso. Motion carried with Council Members Saadi and Visconti voting in the negative.

32 – REPORT – Easement at 4 Hylo Drive

Mr. Calandrino submitted the following report:

The Common Council Committee appointed to review an easement at 4 Hylo Drive met on August 17, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Calandrino, Cavo and Visconti. Also in attendance were Director of Public Works William Buckley, Assistant Corporation Counsel Les Pinter, Attorney Peter Damia representing the petitioner and Council Members McMahon and Teicholz, ex-officio.

Mr. Buckley stated that an easement has been worked out that meets with his satisfaction. The existing house at 4 Hylo Drive encroaches on a City

road. He showed the easement area and the encroachment on a map dated February 11, 2005. The house encroaches on a right-of-way and the septic tank and fields are located there as well. This easement allows the petitioner to keep the septic system where it is. However, it provides protection for the City in a number of ways outlined in the easement. If the septic fails, it would need to be relocated on the grantee's property.

Mr. Visconti asked if the system had to be moved would the current area be dug up and removed? Mr. Buckley said it would be abandoned and filled with sand. The State has a procedure for abandonment of wells. Mr. Buckley also pointed out that the easement states if the encroachments are abandoned, they can never be located there again. If the City wants to widen Hylo Drive, it requires that the septic system be relocated. Mr. Buckley said this instrument provides the City with much more protection than it currently has.

Mr. Visconti made a motion to recommend approval of the easement at 4 Hylo Drive subject to the encroachment conditions as prepared by the Corporation Counsel and the Director of Public Works. Seconded by Mr. Cavo. Motion carried unanimously.

The report was received on the Consent Calendar and the committee's recommendation to grant an easement at 4 Hylo Drive subject to the encroachment conditions as proposed by the Corporation Counsel and the Director of Public Works approved.

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

34 – COMMUNICATION – Danbury Rail Yard Parking Proposed Budget

Ms. Saracino made a motion that this be added to the agenda as item 34. Seconded by Mr. Cavo. Motion carried unanimously.

Letter from Director of Finance Dena Diorio submitting the budget for the fiscal year 2005-2006 based upon the revenues received from the last fiscal year and allocated the available fund balance regarding the Danbury Rail Yard Parking Proposed Budget.

Ms. Saracino made a motion to receive the communication and approve the budget as submitted. Seconded by Mrs. Basso. Motion carried unanimously.

35 – COMMUNICATION – Progress Report on Yankee Gas Property

Mr. Cavo made a motion that this be added to the agenda as item 35. Seconded by Ms. Teicholz. Motion carried unanimously.

Progress report from Connecticut Light & Power regarding WSA Activity at the Yankee Gas property off Pahquioque Avenue.

Ms. Saracino made a motion to receive the report and extend the contract for one year except that the Mayor may terminate the contract for cause if necessary. Seconded by Mr. Cavo. Motion carried unanimously.

Mayor Boughton extended all committees.

There being no further business to come before the Common Council a motion was made by Mr. Urice for the meeting to be adjourned at 9:20 P.M.

Respectfully submitted,

JIMMETTA L. SAMAHA
Clerk

ATTEST:

MARK D. BOUGHTON
Mayor