

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

**Re: Minutes of the Common Council Meeting held October 3, 2006**

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

**PRESENT** – McMahon, Nagarsheth, Johnson, Trombetta, Calandrino, Perkins, Visconti, Chianese, Esposito, Saadi, Cavo, Basso, Rotello, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Seabury, Stanley, Taborsak

21 PRESENT – 0 ABSENT

**PUBLIC SPEAKING**

Lynn Waller, 83 Highland Avenue – Spoke on item #14. Has no objection to this item. Item #18, Ms. Waller would like to see the cost savings passed on to homeowners. She would like to see included in the program local homeowners as well as local businesses. Item #5, Ms. Waller questioned where spectators would park. She also would like to suggest this property be used for senior housing.

Rich Jannelli, 18 Benson Dr. – Spoke on item #5. Please consider other alternatives to the West side particularly to the traffic.

Charlette Barrows – 55 Hospital Ave. Spoke on item #5. Agrees with Mr. Jannelli – traffic, noise and lights would be an issue and Danbury has many other sporting venues.

**MINUTES** – Minutes of the Common council Meeting held September 6, 2006. Mr. Cavo moved to receive the minutes as presented and waive the reading as all members have copies and copies are on file with the City Clerk. Seconded by Mrs. Basso. Motion carried unanimously.

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

2. Appointment-Commission on Aging.
3. Appointment-Environmental Impact commission
4. Appointment-Northwest Connecticut Tourism
- 11.\*\* Request for road-cut at 125 Long Ridge
12. Withdrawal of Request for Water and Sewer Line
17. West Side Sewer Interceptor-Phase 1-Acquire Easements
19. Resolution-Assignment of Real Property Tax

20. Resolution-Acceptance of 'IVS Voting'
21. Resolution-HVCEO Regional Public Health Mutual Aid Agreement.
22. Report-Expenditures
23. Ad Hoc Report-Casper Street-Water Extension
25. Ad Hoc Report-38 Old Ridgebury Road-Water Extension

\*\*Mr. Cavo requested to remove item #11 from the Consent Calendar and place back on the Agenda.

Ms. Saracino moved to receive the Consent Calendar as read. Seconded by Mr. Chianese. Motion carried unanimously.

1. **COMMUNICATION** – Appointment to the Fire Department

Letter from Mayor Boughton requesting confirmation of Justin Bierbower to the position of Firefighter with the Danbury Fire Department. Mr. Johnson moved to receive the communication and confirm the appointment. Seconded by Mr. Trombetta. Motion carried unanimously.

2. **CONSENTED** - Appointment–Commission on Aging

Receive the communication and approve the appointment of Mary V. Mazzucco as a member of the commission on Aging with a term to expire on October 1, 2009 and Jay R. Geib as an alternate member of the commission on Aging with a term to expire October 1, 2007. The communication was received on the Consent Calendar and the appointment confirmed.

3. **CONSENTED** - Appointment–Environmental Impact Commission-Alternate

Receive the communication and approve the appointment of Mark Massoud as an alternate member of the Environmental Commission with a term to expire on December 1, 2008. The communication was received on the Consent Calendar and the appointment confirmed.

4. **CONSENTED** – Appointment-Northwest Connecticut Tourism District

Receive the communication and approve the appointment of Deborah Pacific to represent Danbury on the Northwest Connecticut Tourism district board with a term to expire September 30, 2009. The communication was received on the Consent Calendar and the appointment confirmed.

5. **COMMUNICATION** – Sports Entertainment Complex

Ms. Stanley asked that this be referred to an ad hoc committee, the Corporation Counsel, Mayor's office, Director of Public Works, Director of Planning Dept., Director of

Parks and Recreation and Mayor's Office. Mayor Boughton so ordered and appointed Council Members Calandrino, Cutsumpas and Visconti to the committee.

6. **COMMUNICATION** – Renewal of Membership in CCJEF

Ms. Saracino moved to receive the communication authorizing Mayor Mark D. Boughton to renew membership in CCJEF and transfer funds to pay the \$15,000 dues. Seconded by Mr. Chianese. Motion passed 20 yes and 1 no.

7. **COMMUNICATION** – Donation to the Police Department

Letter from Alan D. Baker, Chief of Police, requesting permission to accept donation of 160 copies of the Rev. Dr. Charles Ferrara's book. Rev. Ferrara is from the New Life Community Church in New Fairfield. Mr. Seabury moved to receive the communication, accept the donations and send the appropriate letter of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

8. **COMMUNICATION** – Donation to WIC

Letter from Scott LeRoy, Director of Health, Housing & Welfare, requesting permission to accept additional donations to WIC Breastfeeding Celebration. Mr. Trombetta moved to receive the communication, accept the donations and send the appropriate letter of thanks. Seconded by Mr. Chianese. Motion carried unanimously.

9. **COMMUNICATION** – Donations to the Fire Department

Letter from Peter J. Siecienski, Fire Chief requesting permission to accept the following donation from Mr./Mrs. Terry Bernat of one treadmill and one 34 inch Panasonic HDTV. The total cost of these items is \$8,000. Mr. Johnson moved to receive the communication, accept the donations and send the appropriate letter of thanks. Seconded by Mr. Visconti. Motion carried unanimously.

10. **COMMUNICATION** – Request to Sell Private Property on Miry Brook Road

Mr. Cavo moved to receive the communication and take no action at this time. Seconded by Ms. Basso. Motion carried unanimously.

11. **COMMUNICATION** – Request for Road-cut at 125 Long Ridge Road

Mrs. Diggs asked that this be referred to an ad hoc committee, Director of Public Works and Director of Planning. Mayor Boughton so ordered and appointed Council Members Visconti, Rotello and McMahon.

12. **CONSENTED** - Withdrawal of Request for Water and Sewer Line Extensions

Receive the communication and approve the withdrawal of request for water at 28 Division St. and the request for a sewer line at 176 Shelter Rock Rd. The communication was received on the Consent Calendar.

13. **COMMUNICATION** – Request for Lease of Adjacent Property-Danbury Airport

Mr. Cutsumpas asked that this be referred to an ad hoc committee, Director of Finance, Corporation Counsel, Airport Administrator and a representative from the Airport Commission. Mayor Boughton so ordered and appointed Council Members Nagarasheth, McMahon and Taborsak to the committee.

14. **COMMUNICATION** – Request for Ad hoc Committee  
Re: Supplemental Insurance Coverage

Mr. Trombetta asked for a 30-day report from the Director of Finance. Mayor Boughton so ordered.

15. **COMMUNICATION** – Request for Ad hoc Committee  
Re: Affordable Housing Inventory

Ms. Teicholz asked that this be referred to an ad hoc committee, Corporation counsel, Director of Health, Housing & Welfare and Director of Housing Authority. Mayor Boughton so ordered and appointed Council Members Saracino, Teicholz and Rotello to the committee.

16. **COMMUNICATION** – West Side Sewer Interceptor-Phase 1 Easements  
Licensing Agreement with Housatonic Railroad

Ms. McMahon moved to receive the communication and authorize the Corporation Counsel's office to negotiate and take the necessary steps to enter into a licensing agreement with Housatonic Railroad and will return completed licensing agreement to the Council. Seconded by Mr. Chianese. Motion carried unanimously.

17. **CONSENTED** – West Side Sewer Interceptor-Phase 1-Acquire Easements

Receive the communication and authorize Corporation Counsels office to acquire the easements as described therein. The communication was received on the Consent Calendar. **See attached Appendix for Resolution.**

18. **RESOLUTION** – Municipal Energy Savings Program

Mr. Cavo moved to receive the communication and approve the resolution authorizing Mayor Boughton to enter into a cooperative Agreement with Pareto Energy Limited and to execute such other documents as may be required in order to effectuate the purposes. Seconded by Mr. Chianese. Discussion followed. Motion passed 20 yes, 0 negative and 1 abstained (Ms. Taborsak). **See attached Appendix for Resolution.**

19. **CONSENTED - RESOLUTION** – Assignment of Real Property Tax Liens

Receive the communication and approve the resolution authorizing Mayor Mark D. Boughton to substitute Harris Nesbitt as the secured party in connection with the assignment of certain property liens to ATF. The communication was received on the Consent Calendar. **See attached Appendix for Resolution.**

20. **CONSENTED - RESOLUTION** – Acceptance of 'IVS Voting System'

Receive the communication and approve the resolution allowing the Registrars of Voters to accept the "IVS Voting System". The communication was received on the Consent Calendar. **See attached Appendix for Resolution.**

**21. CONSENTED - RESOLUTION** – HVCEO Regional Public Health Mutual Aid Agreement

Receive the communication and approve the resolution authorizing Mayor Mark D. Boughton to execute the Regional Public Health Mutual Aid Agreement. The communication was received on the Consent Calendar. **See attached Appendix for Resolution.**

**22. CONSENTED - REPORT** - Expenditures

Receive the report and request that the Director of Finance include the information concerning bond information in the monthly statement of conditions. The communication was received on the Consent Calendar

**23. CONSENTED - AD HOC REPORT** – Casper Street – Water Extension

Receive the report and approve the committee's recommendation. The report was received on the Consent Calendar. **See attached Appendix for Ad Hoc Report.**

**24. AD HOC REPORT** – Acquisition of a Portion of Reservoir Road

Ms. Diggs moved to accept the report and approve the committee's recommendation. Seconded by Mr. Cavo. Mr. Seabury made a motion to correct a typographical error in the report and Mayor Boughton acknowledged this error and ordered that the report reflect the motion made by Mr. Visconti. Mr. Seabury withdrew his motion. Seconded by Mr. Saadi

Mr. Perkins moved to table this acquisition pending a report by the assessor's office. Seconded by Mr. Saadi. Motion failed with 5 voting in the positive and 16 voting in the negative. Main motion passed with 16 voting in the positive and 5 voting in the negative. **See attached Appendix for Ad Hoc Report.**

**25. CONSENTED - AD HOC REPORT** – Water Extension-38 Old Ridgebury Road

Receive the report and approve the committee's recommendation. The report was received on the Consent Calendar. **See attached Appendix for Ad Hoc Report.**

**27. DEPARTMENT REPORTS** – Police, Fire, Fire Marshall, Elderly Services, Health, Housing & Welfare, Public Works (Engineering, Highway, Parks & Recreation, Forestry, Public buildings, Public Utilities), Permit, U.N.I.T.

Mr. Cavo made a motion to move Item #27 ahead of Item #26 so department heads do not have to wait until the Executive Session is adjourned. Seconded by Ms. Saracino.

Mr. Cavo made a motion to waive readings of all department reports as all members have copies and copies are on file in the Office of the City Clerk. Seconded by Mr. Nagarsheth. Motion carried unanimously.

**28. COMMUNICATION** – Special Service Account #2010.5052

Mr. Cavo made a motion to add this item to the Agenda. Seconded by Basso. Motion carried unanimously.

Letter from Peter Siecienski, Fire chief requesting \$20,000.00 be transferred in the Special Services Account #2010.5052 due to ongoing events. Mr. Johnson moved to receive the communication and approve the transfer of \$20,000.00 to the Special Services Account. Seconded by Mr. Chianese. Motion carried unanimously.

**29. COMMUNICATION** – Additional Funding Appropriation Request-Police Department

Mr. Cavo made a motion to add this item to the Agenda. Seconded by Ms. Basso. Motion carried unanimously.

Letter from Alan Baker, Chief of Police requesting \$500,000 in additional funding for Police Special Services 2000.5052 for the purpose of meeting salary demands for police private duty services through January 31, 2007. Ms. Basso moved to receive the communication and approve the additional funding for the Police Special Services. Seconded Mr. Riley. Motion carried unanimously.

**26. EXECUTIVE SESSION**

Mr. Cavo made a motion to enter into executive session. Seconded by Ms. Basso. Motion carried unanimously.

At 9:34 P.M. the Common Council reconvened in open session. Mr. Cavo made a motion to adopt the recommendation as described by Corporation Counsel at the Executive Session pending the certification of the funds. Seconded by Mr. Chianese. Motion carried unanimously. Mayor Boughton extended all committees.

There being no further business to come before the Common Council, a motion was made at 9:35 P.M. by Mr. Seabury for the meeting to be adjourned.

Respectfully submitted,

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Linda Coords, Ass't City Clerk

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Jean A. Natale, City Clerk

**APPENDIX TO COMMON COUNCIL MEETING OF OCTOBER 3, 2006**

**17. RESOLUTION – West Side Sewer Interceptor-Phase 1 – Acquire Easements**

WHEREAS, the City of Danbury is extending its sewer availability in order to serve portions of the west side of the City; and

WHEREAS, the project, known as the West Side Interceptor, requires the acquisition or taking by eminent domain of certain property rights as identified on Exhibits A – E attached hereto and identified as Easement #1, Easement #2, Easement #3, Easement #4 and Easement #5; and

WHEREAS, such acquisition or taking is in the best interest of the City of Danbury.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Danbury, through the Office of Corporation Counsel be and hereby is authorized to acquire those property rights identified in Exhibits A - E 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 interest encumbering the properties, if any, by April 1, 2007.

**18. RESOLUTION - Municipal Energy Savings Program**

WHEREAS, the Metro Energy Savings Program (“MESP”), an alliance of Connecticut municipalities, institutions, businesses and sanctioned by the United States Conference of Mayors, proposes to provide aggregate energy purchasing through Pareto Energy Limited; and

WHEREAS, the MESP would permit the City of Danbury to obtain cost savings in the procurement, consumption and generation of energy resources through navigating the deregulated energy landscape in the State of Connecticut; and

WHEREAS, there is no cost to the City to enter into the proposed collaborative effort pursuant to the Agreement proposed; and

WHEREAS, there are substantial benefits to the City of Danbury pursuant to this cooperative effort;

**NOW, THEREFORE, BE IT RESOLVED THAT**, Mayor Mark D. Boughton be and hereby is authorized to enter into a cooperative Agreement with Pareto Energy Limited, to execute the **Services Agreement Regarding a Municipal Energy Savings Program** and to execute such other documents as may be required in order to effectuate the purposes hereof.

**19. RESOLUTION – Assignment of Real Property Tax Liens**

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, in September of 2006 the Common Council of the City of Danbury authorized the assignment of certain real estate tax liens to American Tax Funding, LLC ("ATF") with Foothill Capital Corp as a secured party; and,

WHEREAS, ATF seeks authority to substitute Harris Nesbitt as the secured party.

**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 substitution of Harris Nesbitt as the secured party in connection with the assignment of certain real property tax liens to ATF and any action taken with respect to this substitution prior to this date be and hereby are ratified and that Mayor Boughton be and hereby is further authorized to execute any further agreements or amendments thereto as may be required to accomplish the purposes hereof.

## **20. RESOLUTION – Acceptance of 'IVS Voting System'**

WHEREAS, the Help America Vote Act of 2002 has developed a uniform set of requirements for each voting system used in an election for federal office;

WHEREAS, included among the requirements of the Help America Vote Act is a provision that every polling place must maintain at least one voting machine created to ensure private and independent voting capabilities for persons with disabilities;

WHEREAS, the "IVS voting system" has been recognized to be in compliance with the requirements of the Help America Vote Act, including the provision of accessibility for persons with disabilities;

WHEREAS, the Office of the Secretary of the State of Connecticut has used federal funds advanced through the Help America Vote Act to purchase voting machines in compliance with this said accessibility provision of the Help America Vote Act, these being the "IVS voting system";

WHEREAS, the CITY OF DANBURY is a municipality in the State of Connecticut;

WHEREAS, the CITY OF DANBURY, through its elected officials and the employees thereof, is responsible for conducting primaries and elections, federal and otherwise, within its borders;

WHEREAS, the CITY OF DANBURY, through its legislative body is responsible for providing suitable voting machines for use within its own municipality;

THEREFORE, the legislative body of the CITY OF DANBURY hereby accepts ownership of the said "IVS voting system" and will begin to use said voting machines with the election to be held on November 7, 2006.

## **21. RESOLUTION – HVCEO Regional Public Health Mutual Aid Agreement**

WHEREAS, area municipal health directors and the Connecticut Department of Public Health, the Connecticut Department of Emergency Management and Homeland Security, the Danbury and New Milford Hospitals and the Western Connecticut Chapter of the American Red Cross have worked together to develop a "Public Health and Medical Services Regional Emergency Response Plan" for the Housatonic Valley Region; and

WHEREAS, this plan is designed to address large scale public health emergencies such as outbreaks of dangerous communicable diseases, releases of chemical or radiological agents, bioterrorism events, natural or manmade disasters and other forms of public health emergencies; and,

WHEREAS, implementation of this plan relies on a system of mutual aid among regional municipalities to facilitate the sharing of available municipal response and recovery resources in order to deal collaboratively with such emergencies; and,

WHEREAS, the area municipal health directors have developed a proposed Regional Public Health Mutual Aid Agreement for the Housatonic Valley Region in order to establish the formal cooperative system upon which an effective response to area public health emergencies will depend; and,

WHEREAS, the execution of the foregoing agreement is in the best interests 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 execute the aforementioned Regional Public Health Mutual Aid Agreement on behalf of the City of Danbury, and that Mayor Boughton be and hereby is authorized to take any additional action that may be necessary to effectuate the purposes hereof.

### **23. AD HOC REPORT – Casper Street – Water Extension**

The meeting was called to order at 7:25 P.M. In attendance were committee members Calandrino (Chairman), Riley, Esposito, Corporation Counsel-Laszlo Pinter, Director of Public Works-Antonio Iadarola, City Engineer-Farid Khouri, Mark Kornhaas representing Artel Engineering Group, the petitioner, Councilman Cutsumpas-ex-officio and a member of the public.

Mr. Khouri used a map to explain that the new line would replace an existing 1950 water line already on Casper St. with a new 8 inch line. Mr. Khouri from the Engineering Department gave a positive recommendation. The Planning commission also gave a positive. Mr. Calandrino asked if there would be any issues involving easements and was assured there were none.

Mr. Esposito moved to recommend to the council the approval of the water extension at Casper St. subject to the required eight steps. Seconded by Mr. Riley. Motion carried unanimously.

Mr. Riley made a motion to adjourn at 7:31 P.M. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

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Michael Calandrino, Chairman

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Robert Riley, Councilman

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John Esposito, Councilman

**24. AD HOC REPORT – Acquisition of a Portion of Reservoir Road**

The committee was called to order at 5:30 p.m. In attendance were Council Members Seabury, Visconti and Perkins. Also in attendance were Asst. Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Director of Public Works Antonio Iadarola, Robin Kahn Attorney from Cohen and Wolf and Carl Johnson, the petitioner and Councilman Chianese (5:45).

Mr. Gottschalk overviewed what has taken place at this time. He stated that a portion of Reservoir Rd. beyond the paved portion is no longer used for traffic. Mr. Johnson, the petitioner wants to develop his property and install a driveway running across the unpaved portion of Reservoir Rd. the problem is in order to create a driveway, we continue the paved portion of road so he can hook up. Mr. Gottschalk does not recommend this because it would be accessible to vehicular traffic, shows on maps as Reservoir Rd. and the city would have to maintain it. Mr. Gottschalk's solution was that the city would have to maintain it. Mr. Gottschalk's solution was that the city formerly discontinue the portion of Reservoir Rd. in question and then by state law people would continue to have a right to pass and repass. This would allow the City of Danbury to quit claim whatever interest it now has to Mr. Johnson and he could then use it for construction of a driveway. Mr. Johnson would own a part in fee unencumbered by anything except the right of people who live beyond him. Mr. Gottschalk recapped to discontinue relative portion of Reservoir Rd. Declare that area shown as parcel "X" as surplus and quit claim the city's interest in it to the petitioner.

Mr. Elpern stated that the subdivision was approved in April with the understanding that land was to be conveyed to Mr. & Mrs. Johnson. There is no way in and no way out and he doesn't see any value for the City of Danbury to keep this portion of the road.

Mr. Perkins had a problem giving away land for no monetary value. Mr. Visconti does not see how we can put a monetary value on doing something like this and Mr. Seabury saw little use for this property. The city has not used it in many years.

Mr. Perkins made a motion to make an amendment to discontinue land, convey that surplus and give a quit claim to Mr. Johnson with an add-on of getting an appraisal based on its value. Motion was not seconded and the amendment was defeated. Motion stays as originally made and seconded. Motion carried unanimously. Mr. Visconti made a motion to adjourn at 6:05 P.M. Seconded by Mr. Perkins.

Respectfully submitted,

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Gregg Seabury, Chairman

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Duane Perkins, Councilman

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Fred Visconti, Councilman

**25. AD HOC REPORT – Water Extension-38 Old Ridgebury Road**

The meeting was called to order at 6:00 P.M. In attendance were committee members Mary Teicholz (Chairperson), Fred Visconti and Jane Diggs. Also in attendance were City Engineer Farid Khouri, Jim Rotondo representing the petitioner MCCA, Pauline Basso, ex-officio and members of the public. MCCA is building two sets of town houses and needs to install a new water line. Mr. Khouri pointed out on a map that the city has an existing water line on Larson Drive. Mr. Khouri indicated that plans meet all the engineering requirements and he would recommend approval with the eight steps. Mary Teicholz (Chairperson) said there is a positive planning commission report. Fred Visconti asked if the 8 inch pipe was sufficient. Mr. Rotondo and Mr. Khouri indicated yes.

Jane Diggs made a motion to approve the water main extension at 38 Ridgebury Rd. following the proper eight steps. Seconded by Fred Visconti. Motion passed unanimously.

Fred Visconti made motion to adjourn at 6:10 P.M. Seconded by Jane Diggs. Motion passed.

Respectfully submitted,

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Mary Teicholz, Chairperson

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Jane Diggs, Councilwoman

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Fred Visconti, Councilman