

MINUTES OF THE COMMON COUNCIL MEETING

November 9, 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, Diggs, Teicholz, Cutsumpas, Riley, Saracino, Stanley, Taborsak

20 - PRESENT – 1 ABSENT

Mr. Seabury was out of town.

PUBLIC SPEAKING

Lynn Waller, 83 Highland Avenue – Spoke on item #34. Ms. Waller would like to see senior housing on this land if zoning could be changed.

Margaret Mitchell, 1 Park Place – Spoke on item #24. Ms. Mitchell spoke in favor of the ad hoc report on parades and assemblies and moving it forward to a public hearing.

ANNOUNCEMENTS: Mayor Boughton stated there will be a Veteran's Day Ceremony on Saturday, November 11 at 11:00 a.m. at the War Memorial.

MINUTES – Mr. Cavo moved to waive the reading of the Minutes of the Common Council Meeting held October 3, 2006 as all members have copies and copies are on file with the City Clerk. Seconded by Ms. Basso. Motion carried unanimously.

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

- 3 - Appointment – Commission on Persons with Disabilities
- 4 - Appointment – Fair Rent Commission
- 5 - Appointment – Conservation Commission
- 11 – Request for Transfer of Funds – Fire Department
- 13 – West Side Sewer Interceptor – Phase 1 Easements
- 19 – Resolution – 2006 DUI (Holiday) Enforcement Program Grant
- 23 – Report & Ordinance – Citations – Section 12-34
- 25 – Ad Hoc Report & Ordinance – Danbury Housing Partnership
- 26 – Ad Hoc Report & Ordinance – Sex Offender Ordinance
- 27 – Ad Hoc Report – Affordable Housing Inventory

28 – Ad Hoc Report – Road Cut – 125 Long Ridge Road

29 – Ad Hoc Report – Request for Sewer Line – 4 Stadley Rough Road

31 – Ad Hoc Report – Sewer and Water Extension – Reynolds Road

32 – Ad Hoc Report – Sewer Extension – Westville Avenue Ext.

33 – Ad Hoc Report – Sewer Extension – 7 Great Pasture Road

35 - Ad Hoc & Report – Grant Agency Review Board

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

1 - COMMUNICATION – Promotion of Lieutenant within the Police Department

Letter from Mayor Boughton requesting confirmation of Sergeant Matthew J. McNally to the rank of Lieutenant within the Danbury Police Department. Mr. Calandrino moved to receive the communication and confirm the appointment. Seconded by Mr. Chianese. Motion carried unanimously.

2 - COMMUNICATION – Promotion to Detective within the Police Department

Letter from Mayor Boughton requesting confirmation of Police Officer Paul S. Carroccio to the rank of Detective Police Officer within the Danbury Police Department. Mr. Cutsumpas moved to receive the communication and confirm the appointment. Seconded by Ms. Stanley. Motion carried unanimously.

3 - CONSENTED – Appointment-Commission on Persons with Disabilities

Letter from Mayor Boughton requesting confirmation of Frances C. Ryan as a Member of the Commission on Persons with Disabilities with a term to expire on March 1, 2009. The communication was received on the Consent Calendar and the appointment confirmed.

4 - CONSENTED – Appointment – Fair Rent Commission

Letter from Mayor Boughton requesting confirmation of George L. Johnson as a Member of the Fair Rent Commission with a term to expire on July 1, 2009. The communication was received on the Consent Calendar and the appointment confirmed.

5 - CONSENTED – Appointment – Conservation Commission

Letter from Mayor Boughton requesting confirmation of Shaun J. McColgan to the Conservation Commission with a term to expire July 1, 2009. The communication was received on the Consent Calendar and the appointment confirmed.

6 - COMMUNICATION – Request for Ad Hoc - Preservation of Open Space

Ms. McMahon asked that this be referred to an ad hoc committee, Corporation Counsel, Director of Planning, representative from The Danbury Land Trust and a representative from

the Taylor family. Mayor Boughton so order and appointed Council Members Cavo, Calandrino and Visconti to the committee.

7 - COMMUNICATION – Donation to the Public Buildings Department

Letter from Richard M. Palanzo, Superintendent of Public Buildings requesting permission to accept a donation from Lowe's of Danbury consisting of materials to be used at city buildings. Mr. Johnson moved to receive the communication, accept the donations and send the appropriate letter of thanks. Seconded by Ms. Basso. Motion carried unanimously.

8 - COMMUNICATION – Donation to the Public Works Department - Tree

Letter from Antonio Iadarola, Director of Public Works requesting permission to accept from Nelle Tressert a donation of an American Liberty Elm tree to be planted in the new William Street playground. Ms. Teicholz moved to receive the communication, accept the donation and send the appropriate letter of thanks. Seconded by Mr. Rotello. Motion carried unanimously.

9 - COMMUNICATION – Donation to the Public Works Department – Roger Park Fields

Letter from Antonio Iadarola, Director of Public Works requesting permission to accept from Bob Nolan, Babe Ruth Commissioner of Danbury Youth Baseball, the cost of renovations to the Mountainville Field at approximately \$2,000.00 and the Cal Ripkin #1 Field at approximately \$5,000.00. Ms. Stanley moved to receive the communication, accept the donation and send the appropriate letter of thanks. Seconded by Mr. Nagarsheth. Motion carried unanimously.

10 - COMMUNICATION – Donation to the Department of Elderly Services

Letter from Susan M. Tomanio, Director of Elderly Services, requesting permission to accept donations in the amount of \$325 for performances by both the Cellmates and The Senior Center Chorus and \$250.00 from David and Debra Lajoie. Mr. Cavo moved to receive the communication, accept the donations and send the appropriate letters of thanks. Seconded by Ms. Basso. Motion carried unanimously.

11 - CONSENTED – Communication – Request for Transfer of Funds-Fire Department

Memorandum from Peter J. Siecienski, Fire Chief requesting \$25,000.00 be transferred into the Special Services Account #2010.5052 due to ongoing events. The communication was received on the Consent Calendar and the transfer was confirmed.

12 - COMMUNICATION - Water Main Extension – Renaissance and Westville Commons

Letter from David M. Day, Superintendent of Public Utilities requesting permission for the Public Utilities Department to donate approximately 250 feet of 8" water pipe and associated appurtenances to allow the water main extension from the Renaissance at High Ridge to be connected to the water main extension installed for the Westville Commons development and request permission for the City to accept the water main and water main easements associated with this 250 feet of water line installation across the properties of the Renaissance at High Ridge and Westville commons. Mr. Cavo moved to receive the communication and approve the donation of pipe as requested and accept the water main and water main easements in accordance with the City's required eight steps. Seconded by Ms. Basso. Discussion followed. Motion carried unanimously.

13 - CONSENTED – West Side Sewer Interceptor-Phase I Easements

Receive the communication and authorize the office of Corporation Counsel to negotiate and take the necessary steps to acquire the proposed water utility easements and existing water main from the Danbury Acquisition Corporation.

14 - COMMUNICATION – Park Avenue Traffic and Speeding Study

Mr. Calandrino moved to receive the communication and refer this to a 30-day report from the Police Chief and the Traffic Engineer. Mayor Boughton so ordered.

15 - COMMUNICATION – Proper Installation of Mailboxes

Mr. Trombetta moved to receive the communication and refer this to a 30-day report from the Director of Public Works and Corporation Counsel. Mayor Boughton so ordered.

16 - RESOLUTION – Assignment of Real Estate Liens

Ms. Saracino moved to receive the communication and authorize the assignment of real property tax liens to American Tax Funding, LLC in the amount of \$393,052.97.00. Seconded by Mr. Cavo. Motion carried with Mr. Esposito abstaining. **See attached Appendix.**

17 - RESOLUTION – Beaver Street Apartments Cooperative – Tax Abatement

Mr. Cavo moved to receive the communication and approve the resolution regarding the State of Connecticut Real Estate Tax Abatement for the Beaver Street Apartments Cooperative, Inc. Seconded by Ms. Basso. Motion carried unanimously. **See attached Appendix.**

18 - RESOLUTION – DSS – Homeless Shelter Grant

Ms. Saracino moved to receive the communication and approve the resolution to apply for and accept funding from the State of Connecticut, Department of Social Services in the amount of \$100,656.00 for the operation of the Homeless Shelter. Seconded by Mr. Riley. Discussion followed. Motion carried unanimously. **See attached Appendix.**

19 – CONSENTED - RESOLUTION – 2006 DUI (Holiday) Enforcement Program Grant

Receive the communication and approve the acceptance of the State of Connecticut DOT “DUI Enforcement Program Grant” in the amount of \$13,500.00. The communication was received on the Consent Calendar. **See attached Appendix.**

20 – REPORT – Supplemental Insurance Coverage

Mr. Cavo moved to receive the report and take no action. Seconded by Ms. Teicholz. Mr. Saadi stated that this matter warrants additional review and consideration. Motion carried with Perkins, Chianese, Visconti, Esposito, Saadi, Rotello and Taborsak voting in the negative.

21 – REPORT & ORDINANCE – Nonresident Landlords; Filing with Tax Assessor;
Civil Penalties – Section 12-8

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on October 17, 2006.

Mr. Cavo moved to receive the report and the amended ordinance and adopt the recommendation of the committee of the whole. Seconded by Mr. Chianese. Motion carried unanimously. **See attached Appendix.**

22 - REPORT & ORDINANCE – Establishment of Penalties for Zoning Regulations
Violations Citation Procedure – Section 12-7

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on October 17, 2006.

Ms. Saracino moved to receive the report and ordinance and adopt the recommendation of the committee of the whole. Seconded by Mr. Cavo. Motion carried with Ms. Taborsak voting in the negative and Mr. Rotello abstaining. **See attached Appendix.**

23 – CONSENTED - REPORT & ORDINANCE – Citations – Section 12-34

The Common Council met as a committee of the whole immediately following a public hearing in the Common Council Chambers in City Hall on October 17, 2006.

The report and the amended ordinance were received on the Consent Calendar and its recommendation adopted. **See attached Appendix.**

24 – AD HOC REPORT & ORDINANCE – Parades and Public Assemblies

Mr. Cavo moved to recommit this ordinance back to its original committee. Seconded by Mr. Rotello. Mr. Gottschalk explained some technical changes to the ordinance. Motion carried unanimously.

25 – CONSENTED - AD HOC REPORT & ORDINANCE – Danbury Housing Partnership

The report and ordinance were received on the Consent Calendar and the recommendation of the committee to refer the Ordinance creating the Danbury Housing Partnership to a public hearing. Mayor Boughton so ordered.

26 – CONSENTED - AD HOC REPORT & ORDINANCE – Sex Offender Ordinance

The report and ordinance were received on the Consent Calendar and the recommendation of the committee to refer the Sex Offender Ordinance to a public hearing. Mayor Boughton so ordered.

27 – CONSENTED - AD HOC REPORT – Affordable Housing Inventory

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

28 – CONSENTED – AD HOC REPORT – Road Cut – 125 Long Ridge Road

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

29 – CONSENTED – AD HOC REPORT – Request for Sewer Line – 4 Stadley Rough Rd.

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

30 – AD HOC REPORT – Conveyance of Land – 2 Garry Knolls

Ms. Saracino moved to receive the report and take no action at this time. Seconded by Mr. Cavo. Mr. Trombetta stated that he received communication from a representative from Abilities Beyond Disabilities that there was no agreement between Abilities Beyond Disabilities and the petitioner for the building on this property. Motion carried unanimously. **See attached Appendix.**

31 – CONSENTED – AD HOC REPORT – Sewer and Water Extension-Reynolds Road

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

32 – CONSENTED – AD HOC REPORT – Sewer Extension – Westville Avenue Ext.

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

33 – CONSENTED - AD HOC REPORT – Sewer Extension – 7 Great Pasture Road

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

34 – AD HOC REPORT – Sports Entertainment Complex

Mr. Cutsumpas moved to receive the report and approve the committee's recommendation. Seconded by Mr. Visconti. Discussion followed. Mayor Boughton clarified that the only authorization being given is to allow the petitioners to continue to do due diligence and the City will not lease or sell the property to another petitioner during this period. Mr. Visconti moved the question, seconded by Mr. Cavo. Motion carried 16 – 4 with Taborsak, Rotello, Saadi and Chianese voting in the negative. Restating the main motion to authorize the 15 month study and authorize the Mayor's office and Corporation Counsel to enter into an agreement to exercise an option to develop and lease and bring the lease back to the Council. Motion carried with Taborsak and Riley voting in the negative and Saracino and Chianese abstaining. Motion carried with 16 yes, 2 no and 2 abstentions. **See attached Appendix.**

35 – CONSENTED - AD HOC REPORT – Grant Agency Review Board

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

36 – DEPARTMENT REPORTS – Police, Fire, Fire Marshall, Elderly Services, Health-Housing & Welfare, Dream Homes, Public Works, Permit, UNIT

Mr. Cavo moved to waive reading 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.

Mr. Cavo moved to add Item #37 and Item #38 to the agenda. Seconded by Ms. Basso. Motion carried with Ms. Taborsak abstaining.

ADDED TO AGENDA

37 – COMMUNICATION - Request for Ad Hoc - Charles Ives Authority

Mr. Trombetta asked that this be referred to an ad hoc committee, Director of Finance, Corporation Counsel, a representative from Western Connecticut State University and a representative from the Cultural Commission. Mayor Boughton so ordered and appointed Council Members Cutsumpas, Rotello and Nagarsheth to the committee.

38 – COMMUNICATION – Private Property Easement – Sauer Memorial Park

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

There being no further business to come before the Common Council, a motion to adjourn was made at 9:15 p.m. by Mr. Cavo.

Respectfully submitted,

Linda Coords, Ass't City Clerk

Mark D. Boughton, Mayor

APPENDIX
November 9, 2006

16 – RESOLUTION – Assignment of Real Estate 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, 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, 2003, October 1, 2004 and October 1, 2005, to ATF, with Harris Nesbitt 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 Harris Nesbitt 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, 2003, October 1, 2004 and October 1, 2005, and having a value of \$393,052.97 (less any amounts paid on or after October 31, 2006) 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.

17 – RESOLUTION – Beaver Street Apartments Cooperative – Tax Abatement

WHEREAS, it is desirable and in the public interest that the City of Danbury abate taxes under §8-215 of the Connecticut General Statutes, as amended, on the property owned by Beaver Street Apartments, Inc. located at Beaver Street and Rose Street in Danbury, known as Beaver Street Apartments; and

WHEREAS, the City of Danbury has approved abatement of up to 100% of the real property taxes on the subject property by resolution of the Common Council of the City of Danbury, adopted on October 3, 1973, and has executed a Tax Abatement Assistance Agreement with the State of Connecticut on September 30, 1973; and

WHEREAS, it is necessary to modify the aforesaid Tax Abatement Agreement with the State of Connecticut to reflect a revised tax assessment on the subject property of \$2,307,900; and

WHEREAS, it has been determined that the amount of taxes to be abated on the subject property is not to exceed \$20,000.00 for the Grand List of October 1, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That the City of Danbury hereby abates up to one hundred percent of the ad valorem taxes applicable to the property described above for a period of not more than forty (40) consecutive years;
2. That the Mayor of the City of Danbury is hereby authorized, directed and empowered in the name of and on behalf of the City of Danbury to execute the Tax Abatement Contract described above and to execute any amendments, revisions and decisions of said contract in the name of and on behalf of the City of Danbury;
3. That the real property taxes abated on the subject property are not to exceed \$20,000.00 for the Grand List of October 1, 2005;
4. That the Tax Collector of the City of Danbury is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax so abated was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in her Annual Report in accordance with the provisions of §12-167 of the Connecticut General Statutes as amended;
5. That the Tax Collector of the City of Danbury is also directed to immediately file a certified statement as evidence of said abatement with the Commissioner of the Department of Housing;
6. That the Tax Collector of the City of Danbury is also directed to refund all tax payments received from Beaver Street Apartments, Inc. or its representatives in connection herewith to the extent that said funds are reimbursable by the State of Connecticut through its Department of Economic and Community Development.

18 – RESOLUTION – DSS – Homeless Shelter Grant

WHEREAS, the Connecticut Department of Social Services makes funding available to municipalities in order to encourage programs offering decent, safe and sanitary temporary emergency shelter and case management services to homeless individuals and families; and

WHEREAS, the City of Danbury, Department of Health, Housing and Welfare intends to apply for grant funds in order to offer an Emergency Shelter Program during the period from October 1, 2006 through September 30, 2007; and

WHEREAS, the Connecticut Department of Social Services has advised the Director of the Department of Health, Housing and Welfare that funding in the amount of \$100,656 is available for said purpose; and

WHEREAS, the acceptance of said grant, if approved, will be in the best interests of the City of Danbury and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT Mayor Mark D. Boughton is hereby authorized to apply for the aforesaid grant and if said application is approved, to accept said funds and execute any agreements or other documents necessary to effectuate the purposes

19 – RESOLUTION – 2006 DUI (Holiday) Enforcement Program Grant

WHEREAS, the State of Connecticut Department of Transportation, Division of Highway Safety has made a grant available in the amount of \$18,000.00 for the 2006 Thanksgiving/Christmas/New Year’s Driving Under the Influence Enforcement Program; and

WHEREAS, a local cash match of \$4,500.00 is required in order to reach the total cost of the program, which is \$18,000.00.

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.

21 – ORDINANCE – Nonresident Landlords; Filing with Tax Assessor;

Civil Penalties Section 12-8

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

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered 12-8, which said section reads as follows:

Sec. 12-8. Nonresident Landlords; Filing with Tax Assessor; Civil Penalties.

- (a) *Generally.* The purpose of this section is to improve the quality of life in the City of Danbury by requiring nonresident landlords to file their residential addresses with the City in order that they can be properly and timely contacted by code officials to assure that housing can be maintained in a clean, healthful and livable condition.
- (b) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - (1) *Nonresident landlord* means an owner of rental property who does not reside on such property.
 - (2) *Address* means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.
- (c) *Requirement to File Street Address.* Each nonresident landlord shall maintain on file in the Office of the Tax Assessor, the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the designated agent in charge of the building if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in Danbury.

- (d) *Requirement to File Phone Numbers.* Each nonresident landlord shall also provide a telephone number where said landlord or agent or property manager authorized to act for said landlord can be reached.
- (e) *Change of Address.* In the event the residential address specified in (c) hereof changes, notice of the new residential address shall be provided by such nonresident landlord or agent in charge of the building to the Office of the Tax Assessor not more than twenty-one (21) days after the date that the address change occurred.
- (f) *Failure to File Address.* If the nonresident landlord or agent fails to file an address pursuant to this section, the address to which property tax bills are mailed for the rental real property shall be deemed to be the nonresident owner or agent's current address and may be used for enforcement procedures specified in subsection (g) hereof.
- (g) *Enforcement/Orders.* Service of local or state orders relating to maintenance of such rental real property or compliance with state law or local codes concerning such real property directed to the nonresident landlord or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent civil or criminal action against the owner or agent for failure to comply with such orders. The provisions of this subsection shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or by the City of Danbury.
- (h) *Civil Penalties.* Any nonresident landlord or agent who violates the provisions of this section shall have committed an infraction punishable by a fine of \$250 for the first violation and \$1,000 for any subsequent violation. Enforcement of such penalties shall be through the citation procedures set forth in Section 12-34 of the Code of Ordinances.
- (i) *Consistent with Other Provisions.* The requirements of this section shall be in addition to and not in place of any other requirements contained in any other provisions of the Code of Ordinances.

**22 - ORDINANCE – Establishment of Penalties for Zoning Regulations
Violations Citation Procedure – Section 12-7**

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

- (a) The Zoning Enforcement Officer of the City of Danbury is authorized to issue citations for zoning violations of the Regulations of the City of Danbury to the extent and in the manner provided by this Ordinance and authorized by Section 8-12a of the Connecticut General Statutes. A citation may be issued for any violation of the Zoning Regulations of the City of Danbury. No citation shall be issued unless a written warning is issued providing notice of the specified violation to be corrected. The warning shall explain the citation enforcement procedures which may be used if the alleged zoning violation is not corrected within seven (7) days of the date of receipt of the warning. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.
- (b) The fine for each citation shall be One hundred Fifty (\$150.00) dollars for each day a violation continues, payable to the Treasurer of the City of Danbury. A party receiving a citation shall be allowed a period of thirty (30) days from the date of receipt of the citation to make an uncontested payment of the fine specified in the citation.
- (c) Any citation or warning may be served by hand delivery or certified mail, return receipt requested. If the party named in a citation or warning sent by certified mail refuses to accept such mail, the citation or warning maybe sent by regular United States mail. If the citation or warning has been sent by regular United States mail, the date of receipt shall be deemed to be three (3) business days after the date of mailing.
- (d) The hearing procedure for any citation issued pursuant to this Ordinance shall be in accordance with the provisions of Section 7-152c of the Connecticut General Statutes and Section 12-35 of the Danbury Code of Ordinances, except that no zoning enforcement officer, building inspector or employee of the City of Danbury may be appointed to be a hearing officer.

23 – ORDINANCE – Citations – Section 12-34

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

THAT Section 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 12-34. Citations.

(b)(7) The Zoning Enforcement Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of Section 12-7 of the Danbury Code of Ordinances.

27 - AD HOC REPORT – Affordable Housing Inventory – October 23, 2006

Chairperson Mary Saracino called the meeting to order at 7:48 p.m. In attendance were committee members Mary Teicholz and Paul Rotello. Also in attendance were Laszlo Pinter, Corporation Counsel, Scott Leroy, Director of Health, Housing and Welfare, Paul Schierloh, Associate Director of the Health Department and Lynn Taborsak, the petitioner. Carolyn Sistrunk, Director of the Housing Authority, could not attend.

Ms. Saracino stated this committee was appointed to review a request from Ms. Taborsak to review and monitor affordable inventory in the City of Danbury.

Ms. Taborsak stated she would like the City to track and monitor the affordable housing it has created through municipal action as well as a yearly inventory.

Discussion took place as to current inventory with deed restrictions in favor of the City and how these inventories are created within the City.

Ms. Teicholz moved to request from Colleen Burke, Tax Assessor, submit a 30-day report as to the feasibility on card notations for affordable housing and, if feasible, authorize Ms. Burke to continue with the card notations and to report back to the Common Council with an annual report. Seconded by Mr. Rotello. Motion carried unanimously.

Mr. Rotello entered a friendly amendment that we are not in violation of privacy statutes.

Ms. Teicholz moved to adjourn at 8:25 p.m. Seconded by Mr. Rotello. Motion carried unanimously.

Respectfully submitted,

Saracino-Chair, Teicholz-Rotello

28 – AD HOC REPORT – Road Cut – 125 Long Ridge Road – November 1, 2006

Chairman Fred Visconti called the meeting to order at 5:35 p.m. Council members McMahon and Rotello were present. Also in attendance were Antonio Iadarola, Director of Public Works, Dennis Elpern, Director of Planning and Zoning, Les Pinter, Corporation Counsel, Brad Carlson of Carlstone Builders, LLC and Dee Carlson, the petitioners.

Mr. Visconti stated that Mr. Carlson is doing work at 125 Long Ridge Road. This is the Beekman property and is ready to have CL&P put the electrical connection and line in. In order to do this, they would need a road-cut.

Mr. Carlson showed a map of the parcel, which is at the end of a scenic road and explained he needs to make a road-cut to the transformer box in order to put electrical underground per order of CL&P.

Mr. Pinter explained the ordinance and the difference as to routine road maintenance versus all other improvements to the right of way. If it were considered routine road maintenance it would not have to be approved by the Common Council.

Mr. Iadarola stated that there are no improvements at this site. It is a paving of a scenic road 2 feet by 15 feet. The applicant will have to file a road cut permit and file all the bonds as well as show a clear cut map and limited to working within that area that is described.

Mr. Rotella moved to recommend to the Common Council that this application falls under the routine road maintenance provision Section 17-115(b) and is permitted to proceed with routine notification to the Mayor. Seconded by Ms. McMahon. Motion passed unanimously. Mr. Rotello moved to adjourn at 6:00 p.m. Seconded by Ms. McMahon. Motion carried unanimously.

Respectfully submitted,

Visconti-Chair, McMahon-Rotello

29 – AD HOC REPORT – Request for Sewer Line – 4 Stadley Rough Rd.–October 17, 2006

Chairman Joe Cavo called the committee to order at 6:30 p.m. In attendance were Councilmen Michael Calandrino and Fred Visconti; Antonio Iadarola, Director of Public Works and Laszlo Pinter, Corporation Counsel. Also in attendance were Shay Nagarsheth, John Esposito and Robert Riley, ex-officio.

Mr. Cavo stated that there is a positive recommendation from the Planning Commission.

Mr. Iadarola showed a map of the extension. The City is in the process of finishing the sanitary sewer project that the petitioner will extend. There is no problem extending this sewer. The time frame for the City to complete their work could be about one to two months. The petitioner would use the City's contractor and a meeting will be set up with the petitioner once the approval of the Common Council has been granted.

Mr. Calandrino moved to recommend approval of the sewer extension subject to the required eight steps. Seconded by Mr. Visconti. Motion carried unanimously. Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Cavo-Chair, Calandrino-Visconti

30 – AD HOC REPORT – Conveyance of Land – 2 Garry Knolls – October 19, 2006

Chairman Charles Trombetta called the meeting to order at 6:30 p.m. In attendance were committee members Shay Nagarsheth and Duane Perkins. Also in attendance were Dennis Elpern, Director of Planning; Colleen Burke, Tax Assessor; Laszlo Pinter, Corporation Counsel; and Attorney Joseph Coco and William Knight, petitioner.

Mr. Pinter stated the petitioner is seeking for the City to waive real property taxes and sewer charges on this property due to a prior delinquency. The petitioner would like to see the City purchase this property by quitclaim deed and reconvey the property to the petitioner so the indebtedness can be eliminated.

Ms. Taborsak noted a correction. She is not the petitioner.

Mr. Coco stated the prior property owners failed to pay taxes from early 1980's onward. The City sold a large percentage of the tax liens to American Tax Funding Corporation (ATFC). On May 30, 2006 ATFC started a foreclosure action and Danbury's Superior Court awarded title to ATFC. ATFC recorded the certificate of foreclosure in Danbury Land Records on July 6, 2006. ATFC proceeded to sell the property to Mr. Knight on July 20, 2006. Mr. Knight develops properties for Abilities Beyond Disabilities and there are still outstanding tax liens in the amount of \$9,300, which were never foreclosed upon because they are still in the City's name. These are tax liens for sewer assessments from 1989. Mr. Coco requests that the City purchase the property and merge the title with the liens and the City would reconvey the property back. This would wipe out any preexisting tax claim. The City has done this for Habitat for Humanity and would like to see this done for Abilities Beyond Disabilities. Mr. Coco continued to state that once the property is developed, Mr. Knight would build a group home that Abilities Beyond Disabilities would occupy.

Mr. Nagarsheth was concerned whether this lot was buildable. Ms. Burke stated that the property is .29 acres and it is valued as a buildable lot. Mr. Nagarsheth was also concerned that the petitioner does not have any plans or feasibility for this lot and would like to make sure this land will be buildable.

Mr. Pinter agreed and suggested that this be inserted in the motion. If that condition is not inserted, the property is still being conveyed to a nonprofit agency and may just end up as vacant property.

Mr. Perkins moved for the City of Danbury to convey the property through various quitclaims to a nonprofit organization in order to enable the waiver of any outstanding taxes or fees to the City of Danbury pending all necessary plans and permits. Mr. Trombetta seconded the motion. Motion carried unanimously with Mr. Nagarsheth in the negative.

Mr. Perkins moved to adjourn at 7:05 p.m. Seconded by Mr. Nagarsheth. Motion carried unanimously.

Respectfully submitted,

Trombetta-Chair, Nagarsheth-Perkins

31 – AD HOC REPORT – Sewer and Water Extension – Reynolds Rd. – October 16, 2006

Chairwoman Jane Diggs called the committee to order at 6:15 p.m. In attendance were Councilmen Johnson and Esposito, Antonio Iadarola, Director of Public Works, George Kendall, the petitioner, and a member of the public. Ms. Diggs stated that there is a positive recommendation from the Planning Commission.

Mr. Iadarola stated that the City is almost finished designing the sewer extension for the entire area. This is an assessment project that has already been approved. The developer (petitioner) would like to do an extension of this project on his own. A map was shown. The City is in the process of obtaining easements. Mr. Iadarola requests that a 9th step be added which would be a reimbursement to the City of all expense to design the sewer and water extension and any other expenses associated with securing easements. Mr. Kendall did not think this was a fair assessment.

Mr. Iadarola stated that since the City has spent a considerable amount of money doing the survey and engineering work, the City would assess the linear foot engineering costs for the developer's length and would relay that cost to the him.

Mr. Kendall hesitated to share in these costs because he does not have a scope of the costs that he would incur and how its allocated, but stated that he would go along with it.

Mr. Iadarola reiterated that Mr. Kendall will be doing all this work at his own cost and the City is not going to be assessing all other properties for the work Mr. Kendall does and these people who own properties have no obligation to pay Mr. Kendall for the installation for the sewer in front of their houses. If Mr. Kendall works out a deal with these property owners, he stated that this deal is separate and aside from the City. Our City's involvement stops at the fact we are not paying for any of this and we are not going to be involved in recouping any of the costs from any of these other property owners. Once the sewer is extended, it will be a public sewer.

Mr. Iadarola stated he would like to clarify Step No. 3 to mandate that the developer use the engineering drawings the City has secured so we can do the balance of the project without any engineering issues.

Mr. Johnson made a motion to approve the petition for the water and sewer extension to Reynolds Road with the addition of a 9th step added as to the costs for engineering. Seconded by Mr. Esposito. Motion carried unanimously. Mr. Johnson moved to adjourn at 6:33 p.m. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

Diggs-Chair, Esposito-Johnson

32 – AD HOC REPORT – Sewer Extension – Westville Avenue Ext. – October 16, 2006

Chairwoman Jane Diggs called the committee to order at 6:05 p.m. In attendance were Councilmen Johnson and Esposito, Antonio Iadarola, Director of Public Works, Lucilene Martins, the petitioner and a member of the public.

Ms. Diggs stated that there is a positive recommendation from the planning commission.

Mr. Iadarola stated this is an actual assessment project. There will be an even distribution of the costs to all the petitioners. After the Engineering Department has done their study, the petitioners who have signed their names, will get a chance to speak in a public hearing and then it returns to us for approval.

Mr. Johnson made a motion to accept this request for the sewer line extension at Westville Avenue, approximately 4,000 feet, with the attached petitioners to move forward to the Engineering Department for review. Seconded by Mr. Esposito. Motion carried unanimously.

Mr. Johnson moved to adjourn at 6:10 p.m. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted

Diggs-Chair, Esposito, Johnson

33 – AD HOC REPORT – Sewer Extension – 7 Great Pasture Rd. – October 16, 2006

Chairwoman Jane Diggs called the committee to order at 6:15 p.m. In attendance were Councilmen Johnson and Esposito, Antonio Iadarola, Director of Public Works, Joseph Putnam, the petitioner, Michael Mazzucco, Civil Engineer, and members of the public.

Ms. Diggs stated that there is a positive recommendation from the Planning Commission.

Mr. Esposito asked what would be done with the houses on this road.

Mr. Putnam stated this is an industrial zone and there are preliminary plans to take two houses down.

Mr. Iadarola showed the map of the existing sewer and the proposed sewer extension. It is within the sanitary sewer area.

Mr. Johnson made a motion to approve the request for the sewer extension to 7 Great Pasture Road subject to the 8 steps of approval. Seconded by Mr. Esposito. Motion carried unanimously. Mr. Johnson moved to adjourn at 6:40 p.m. Seconded by Mr. Esposito. Motion carried unanimously.

Respectfully submitted,

Diggs-Chair, Esposito, Johnson

34 – AD HOC REPORT – Sports Entertainment Complex – October 19, 2006

Chairman Calandrino called the meeting to order at 7:20 p.m. In attendance were committee members Cutsumpas and Visconti. Also in attendance were Dennis Elpern, Director of Planning and Zoning, Antonio Iadarolo, Director of Public Works, Wayne Sheppard, Director of Economic Development, Mayor Mark Boughton, Ted Haddad, Sr. and Tony Rizzo, Jr., the petitioners, Ted Haddad, Jr., Tony Riberio and Art Mannion. Also in attendance were Trombetta, Rotello, Johnson, Diggs, Nagasheth, Perkins and Saracino, ex officio.

Mr. Calandrino stated that preliminary information has been received by this committee regarding a proposal from a group of investors seeking a long-term lease from the City for the purpose of constructing a "Civic and Recreational Center" on the 13.1 acre site owned by the City at the intersection of Old Ridgebury Rd. and Reserve Rd.

Mr. Haddad, Sr. stated that the intention is to privately finance this facility. In order to do that, the petitioners need to have the opportunity to pursue and engage in a due diligence period. If the study proves feasible and makes sense for the community, the petitioners would like to go forward with construction would take about 24 months.

Mr. Elpern read the preliminary proposal that was handed out. The proposal is for a 99-year lease at \$1.00 a year. Prior to executing the lease, the group proposes that an option be agreed to for a period of fifteen months, during which time the group would complete their studies and plans. The City would agree not to entertain other proposals for the site during this time period. The lease would then be executed in accordance with terms mutually agreed to by all parties.

Questions and discussion followed. Some of these questions were:

Mr. Calandrino asked what will this fifteen month study consist of?

Mr. Haddad, Sr. stated that before they spend any more money, a feasibility study would be done of the surrounding area as well as filing the necessary applications.

Mr. Riberio showed and explained the proposed lay out maps of the 100,000 square foot facility.

Mr. Haddad, Jr. explained the entertainment inquires that haven been received to date for this facility. Some possible examples are: soccer, arena football, hockey, skate boarding games, concerts, circus, Disney on Ice, conventions, home, building, remodeling and car shows, graduations, meetings, museums and others. Mr. Haddad, Jr. stated that this fifteen month study would help properly size this facility.

Mr. Cutsumpas was concerned about the O'Neill Center, the current ice area, downtown Danbury, the Convocation Center at WESCONN and the future open space.

Mayor Boughton gave an overview of the total history of the property in regard to the baseball stadium. He also explained the past economic spin-off the downtown facilities and stated the City is not interested in developing this property except for a recreational facility. He stated that 60% plus of the open space is used by the Reserve and is not suited for building.

Mr. Cutsumpas was most concerned about the length of the lease for \$1 for 99 years.

Mayor Boughton stated that this would have to be structured in the lease, if this proposal gets that far and after the feasibility study.

Other questions that were discussed were: has there been information about other cities building this type of multi-purpose facility and will highway improvements be undertaken.

Ms. Saracino was concerned if the Common Council agrees to the fifteen month study, what will be the obligation to go forward with a lease.

Mayor Boughton stated that the Council would authorize the Mayor to exercise an agreement with the petitioners that has language stating an option on this property. Once the petitioners have done due diligence, it would return to the committee to exercise their option. The City would negotiate the terms and conditions of the lease with the petitioner, which would be referred to the Council. The Council would refer this proposal to an ad hoc committee for changes, if necessary, and would return to the Council again for a vote. The committee would agree to negotiate the lease and the Council would approve or reject it.

Mr. Rotello was not comfortable tying up the 13.1 acres for fifteen months. He would also like to see an escape clause in the lease to protect the taxpayers if this project is sold before the 99 year lease term.

Mr. Cutsumpas moved to agree to an option on the property a term not to exceed fifteen months and give authority to the Mayor's office and Corporation Counsel to execute such agreement. Seconded by Mr. Visconti.

Mr. Cutsumpas moved to adjourn at 8:50 p.m. Seconded by Mr. Visconti. Motion carried unanimously.

Respectfully submitted,

Calandrino-Chair, Cutsumpas, Visconti

35 – CONSENTED AD HOC REPORT – Grant Agency Review Board–October 10, 2006

The committee meeting was called to order at 7:05 P.M. In attendance were committee members Stanley, Cutsumpas, Chianese, Director of Finance Dena Diorio, Corporation Counsel Les Pinter, Mayor Mark Boughton, Council Members Rotello, Saracino, Trombetta (ex-officio) and members of the public.

Ms. Stanley said we are here to discuss the City's method for dividing more than \$1 million dollars between local charities and civic organizations commonly known as "Grant Agencies" and to establish a Grant Agency review board or panel.

Mr. Chianese stated we are here to discuss how the Council can get better information about agencies so as to make our recommendations known. We would ask for agencies to show a presentation supporting their request. We would use that presentation to report to the Mayor for consideration in the budget so the committee has more information about the grant before it is presented in the budget. We would like an advisory panel set-up so these organizations can come to the Council and give their presentations so we are better equipped with regard to their charities.

Ms. Diorio gave an overview on the process of what the agencies receive and how they are funded. Since 2002, we require the agencies to supply us with organization charts, operating and budget results for the prior fiscal year, their current operating budget, projected operating results for the current fiscal year and a proposed operating budget for the next fiscal year as well as their most recently audited financial statements. In addition we ask them to provide us with the number of people they serve and where they reside and information on their other funding sources. All this information is available to any Council Member at any time.

Mayor Boughton stated at that time we decided to not add any new agencies based on the City's financial situation and also made a reduction in grant agencies over the years. In December, before our budget process, we look at individual agencies. We review the agencies paperwork, their seven-year past history and make decisions for extenuating circumstances. Ms. Diorio and I spend all of December, January, February and March working on this budget to present to the Council in April. Mr. Boughton stated that if someone on the Council knows of an organization that isn't spending their monies correctly or isn't providing the proper statements, they have a responsibility to report them to the Director of Finance.

Mr. Chianese respects all the hard work that has been done and would like to get the Council to get the same information that Director of Finance gets. We are asking for an advisory board to look at this information and review and follow-up with these agencies.

Mayor Boughton stated that you can't have an advisory board advise the Council. Mr. Boughton would recommend to the Council the recommended spending and appropriations and the Council's job to confirm, deny, add or delete based on the Mayor's recommendation. The Council is elected to make decisions and the Mayor is elected to recommend to the Council.

Ms. Saracino made a suggestion to make a separate committee on this information and questioned Ms. Diorio whether they build on what these agencies have received in the past or do they start at zero. Ms. Diorio stated that they build on what was received in the past. Reasons being that funding is very tight and a lot of these grant agencies are operating with very limited resources.

Mr. Chianese suggested we create a new government ad hoc and invite the agencies to give a report on what they do.

Mr. Cutsumpas agrees with the idea of having a separate ad hoc committee to look at the grant agencies. He moved to recommend to the Council to form a separate budget committee called the "Grant Agency Budget Committee" to be formed after the Mayor presents his budget and it will be separate from Government 1 or Government 2 and will see its own committee judge with reviewing all charitable organizations including their merit or worthiness and how much, if any, City money they will receive. Seconded by Mr. Chianese. Mr. Chianese stated we need to make it in consistent with the Charter.

Mayor Boughton stated for point verification we will create another budget committee, which is appointed by the Mayor and in the same process and procedure all budget committees are appointed, only because the Council cannot appoint its own committee per City ordinance.

Mr. Cutsumpas stated to change the motion to reflect that the Mayor would appoint the separate committee consistent with other budget committees during the budget process. Motion carried unanimously.

Mr. Cutsumpas made a motion to adjourn at 7:35 P.M. Seconded by Mr. Chianese. Motion carried unanimously.

Respectfully submitted

Stanley-Chair, Cutsumpas, Chianese